SENATE—*Wednesday, July 13, 1994*

(Legislative day of Monday, July 11, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

PRAYER

The Reverend Richard C. Halverson, Jr., of Arlington, VA, offered the following prayer:

Let us pray:

Vanity of vanities, saith the Preacher, vanity of vanities, all is vanity. What profit hath a man of all his labor which he taketh under the sun?

Let us hear the conclusion of the whole matter: Fear God, and keep his commandments: for this is the whole duty of man.—Ecclesiastes 1:2,3; 12:13.

Almighty God, as we open in prayer, we are mindful of the frustration which inevitably accompanies the business of legislative action. May those who labor here be reminded that the apparent roadblocks which often impede our way only serve to lead us to our ultimate solution in Thee.

In the midst of trying circumstances cause us to learn what President Abraham Lincoln came to understand when he said:

"I have been driven many times to my knees in prayer by the overwhelming conviction that I had nowhere else to go."—McCollister, John. "* * * so help me God," Landmark Books, 1982.

In Him who is the Way, we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 13, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DORGAN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL LABOR RELATIONS ACT AND RAILWAY LABOR ACT AMENDMENTS

MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 55, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of S. 55, a bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

The Senate resumed consideration of the motion to proceed.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided and controlled between the Senator from Ohio [Mr. METZENBAUM] and the Senator from Utah [Mr. HATCH] or their designees.

Who seeks recognition?

Mr. METZENBAUM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Ohio [Mr. METZENBAUM].

Mr. METZENBAUM. Mr. President, I want to emphasize once again, as we turn to the second day of debate with respect to the motion to proceed on S. 55, that the American people support a ban on the hiring of permanent replacements by an overwhelming majority, by a vote of 2 to 1 in the most recent poll.

The President and a majority of both Houses of Congress support it as well. But the Republican leadership, true to form, frankly, is just not concerned about the interests or needs of American workers and is blocking this bill from moving forward.

Yesterday, the Republican leadership successfully blocked the first cloture vote. I would like to thank publicly Senators HATFIELD, SPECTER, and D'AMATO who voted for cloture, along with 50 Democrats. But, unfortunately, the other 41 Republicans voted to keep the Senate from fully debating or voting on this bill. I think that is shameful.

Yesterday after the vote, Senator CONRAD urged other Senators to vote for cloture today so that we may consider compromises which might break the stalemate over this bill. In particular, Senator CONRAD indicated his intention to offer an amendment which would encourage the parties in a labor dispute to resolve their differences through a neutral third party factfinder.

I believe very strongly that this bill should pass as written. But I also recognize that compromise is part of the legislative process. I applaud Senator CONRAD's efforts to end the Republican filibuster and allow the Senate to do something to help the working people of this country. When this bill was on the floor 2 years ago, Senator PACKWOOD offered an amendment, and I know that a number of the Members of this body felt that that amendment moved in the right direction. I must say frankly that I am disappointed that Senator PACKWOOD has not seen fit to move forward with offering some constructive amendment again but rather has opted out to join his Republican colleagues and vote no on this bill.

Frankly, this is a party matter on the Republican side. The Republican Party is not concerned about fairness in the workplace, where tens of thousands of workers have lost their jobs for exercising a federally protected right. Nor is the Republican Party concerned about fairness in the democratic process where a majority of Americans, a majority of their elected representatives want to enact this bill.

Why is the Republican leadership opposed to this bill? Does it impose a new tax? No. Is it an unfunded mandate? No. Will it increase the deficit? No.

Here it is, America: The Republican Party is filibustering this bill because they claim that it will destroy U.S. competitiveness in the global marketplace. I am truly shocked. I am amazed. I had no idea. Who is kidding whom here?

I have deep respect for my Republican colleagues, but give me a break. Every single time the Senate considers legislation to protect the rights of American workers, Republicans drag out the same wornout cliche. Every single time, with no exception. Frankly, it should be embarrassing to them. It is an insult to American workers who built this country and made it what it is today.

Let us go back through the CONGRESSIONAL RECORD and you will hear the refrain of this tired old Republican song every year. You can get a violin and put it to music. Take the last 6 years as an example. Go back to 1988 when my friend and Republican colleague, Senator HATCH, warned that the plant closing notice law would compound the difficulties American companies have had making significant

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

inroads into foreign markets. Likewise, my Republican colleague, Senator THURMOND, claimed that the plant closing provision would limit the ability of American business to compete with overseas manufacturers.

Yet, after its enactment, the 60-day notice bill had no impact whatsoever on the competitiveness of U.S. industry, prompting U.S. News & World Report to call it "the disaster that never happened."

Go back to 1989 when we heard the same refrain from Republicans when Congress raised the minimum wage from $3.85 an hour to $4.25. We will not be able to compete, said the Republicans. How absurd can we be to suggest that paying workers $4.25 an hour will make it impossible for us to compete. With whom will we not be able to compete? The poorest workers in the world in some of the far-off nations of the world who are being paid $1 a day or $2 a day? We certainly will be able to compete with every industrialized nation in the world which pays substantially higher wages than that, and we, in America, pay substantially higher wages than that.

But the Republicans, because there was just this little bit of a difference—$3.85 to $4.25—said we will not be able to compete.

Five years have passed and there has not been one shred of evidence that those amendments have had any impact on our competitors. Not a scintilla of evidence.

Go back to 1990 and 1991 when Congress had considered and enacted the Civil Rights Act of 1991. Senator COATS and two of his Republican Labor Committee colleagues told us that allowing women to recover damages for sexual harassment "would impose a substantial increase on the costs of doing business in the global marketplace."

Again, 3 years later, we know how absurd that prediction was, and my guess is that those who uttered those words would like to take them back.

Go back to 1992 when the Republican leadership predicted that the OSHA reform legislation pending in Congress would "hurt the ability of American employers to compete effectively in world markets." In fact, workplace accidents cost our economy over $100 billion a year, and by cutting those costs OSHA reform will only improve our competitiveness.

Go back to 1993 when Senator HATCH said the family and medical leave act would "undermine our ability to compete in the world marketplace."

We ought to give the Republicans a patent on this language, "undermine our ability to compete in the world marketplace." Every time we bring up a bill having anything to do with the rights of American workers in this country, they always talk about undermining our ability to compete in the world marketplace.

In fact, our principal foreign competitors already provide far more extensive family and medical leave than the new law provides, and they provide paid leave, not unpaid leave as we do. In the competitive market, they go much further than we do.

But the Republicans see fit to claim that somehow it is going to affect our competitiveness.

So pardon me, Mr. President, if I do not get too excited by protests from across the aisle that this bill will hurt our competitiveness. There are just so many times the Republican Party can cry wolf before people stop taking it seriously. Frankly, this criticism has no credibility anymore.

Members on the other side of the aisle are not judging this legislation on its merits. They have not looked at what is right and what is wrong. What they have done is they have said we will support the Republican leadership; we are engaged in a filibuster to keep this matter from coming to a vote in the Chamber. It is a matter of party loyalty. Fortunately, three Members on that side did not see fit to take that oath. But across the board, all the rest did.

This argument is more of a red herring in this debate about this question of competitiveness than it has been in the past. Virtually all of our significant trading partners already prohibit the hiring of permanent striker replacements in response to a strike. That includes Japan, many Canadian provinces, Germany, Belgium, France, Greece, the Netherlands, Italy, and Sweden. These countries have obviously determined that long-term labor-management relationships yield competitive benefits. In fact, in many of these countries, the trade union movement is stronger than our own and growing. Does that put these countries at a competitive disadvantage? Apparently not.

So the rationale for the Republican Party's opposition to this bill dissolves on closer inspection. In reality, that claim is just a smokescreen for the agenda of the National Association of Manufacturers and the U.S. Chamber of Commerce and the rest of the big business community; namely, reaping corporate profits on the backs of hard-working American families.

If anything, the Workplace Fairness Act may actually improve our competitiveness. The hiring of permanent replacements often causes so much disruption to an employer's work force and to the community as a whole that it impedes a company's ability to compete.

When you bring in striker replacements, there is a certain kind of turmoil that it brings. These are not employees who know how the plant operates, who know where the plant facilities are. These are new people, and sometimes they come in with some of the old people and some of the new people as well, and you have nothing but turmoil.

That was the conclusion reached by the researchers from the City University of New York in a 1992 study called The Costs of Aggression. They concluded that "in today's highly competitive economic environment, the losses associated with union busting exact a high toll on the entire country, at a time when we all depend on an economy able to meet aggressive foreign competition."

So it is the hiring of permanent replacements that hurts our competitiveness, not this bill. It is time we stopped trying to destroy trade unionism in America and look to our trading partners on lessons on how to foster it. It is time to remember that America has been strongest in the world's markets when our trade union movement was healthy and vibrant.

Columnist Jon Talton of the New Mexican put it this way:

> Every working American owes such basics as sick pay and the 8-hour day to labor unions—executives who revel in union busting are hardly building the framework for employee trust and involvement that is so essential to productivity.

Mr. Talton goes on to say:

> Unions are an indispensable counterweight that helps keep everybody honest in free market capitalism. If unions are hurting, so is the free market.

So I must say to my colleagues, when you hear that this bill will hurt our competitiveness, do not be fooled. The Republican leadership trots out that same baseless prophecy every single year, every time the Senate considers a bill to protect workers' rights.

American workers built this country, and they made it great. Our successes in world markets would not have been possible without their efforts. But the Republican leadership says to them: "Sorry; tough luck; we can't give you any rights because we won't be able to compete."

That is offensive to me. It is offensive to American workers. It is offensive to the principles on which this country was built.

Our foreign competitors promised their workers a meaningful right to strike, and they have kept their promise. They delivered on that promise. They have had great success in world markets. It is time that we delivered on that promise as well.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who seeks recognition?

The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, we have a few people who want to speak on this side, so I hope they will come over now because we have a limited amount of time to use. But until they do, I will just say a few words.

Mr. President, we all know what is involved here. This is not a question that we have an inability to compete; we will find some way around any issue. It is not a question of unfairness. It is a question of whether we are going to change our labor laws in such a way as to take away the delicate balance between management and labor that currently exists and that forces both of them to the bargaining table.

I do not want to give an edge to the business community, nor do I wish to give an edge to the trade union community. Both need to be there in that delicate balance. The current law does have an edge. For instance, the trade union movement has a right to strike. I have said I would fight to my death to keep that right alive. I think it is an awesome economic power, but it is one that is deserved by working people. It is their big leverage in making sure they can be treated fairly. The strike threat is a strong incentive for business to bargain and to be reasonable.

But to offset that, so that there is an equal incentive to the unions to be reasonable, business has a right to hire permanent striker replacements to save the business from shutting down. But even so, they do not have a right to exercise that right if there is an unfair labor practice charge. If they are not bargaining in good faith, which would be an unfair labor practice, then the business community has no right to hire permanent replacements.

The law says the business community has to act in good faith, and they have to bargain in good faith. But so does the union. In other words, we try and bring them together.

As of the late 1980's, in only 4 percent of all strikes has the employer really exercised his option under the Mackay Radio case and subsequent Supreme Court cases and subsequent congressional endorsements to hire permanent striker replacements. Only 4 percent of strikers. And then it went down in a subsequent year—in I think 1989 or 1990—to 3 percent.

In those particular cases, the business had no choice other than to hire permanent striker replacements to save their business. So it is not a widespread abuse. Most unionized businesses are larger businesses. Most of them do not want to put up with a strike. Therefore, they will come to the table and bargain and sometimes they will give in more than they should, and vice-versa. That is the process.

But where the unions do exercise the right to strike and the strike is prolonged, the business can then say, "I cannot put up with this anymore. If you don't come to the bargaining table and agree to reasonable terms, we are going to have to replace you with permanent people." If the business decides to do that—and, as I have said, that is the case in very few instances because most large businesses that are unionized would rather work with the union and one bargaining representative than every employee being a bargaining representative. It is a way of keeping things moving. There are advantages to being unionized, and many large businesses recognize them. So they do not like a strike, and they do not like to fail to sit down at that bargaining table and resolve that strike.

Let us assume it comes to the point, as it has in a few instances, where the business says we have to replace these people permanently, and they do. Under current law they cannot do it if they have committed an unfair labor practice. They cannot do it if they have not bargained in good faith. But assuming that they have done everything right, and it is a purely economic strike, and they do replace them, then the union workers can still have the jobs that come open. From that point on, jobs have to be offered to the union members first. So there is even a little protection there. It is a protection that gives the union movement a little bit of an edge. I am for that.

And I kind of feel badly that my dear friend and colleague from Ohio feels it is a Republican issue. Yes, more Republicans are voting against striker replacement than Democrats. But it is a bipartisan vote. We had six Democrats yesterday who voted with us against cloture. Really, if it was not for the dominance of the trade union movement, you would have more votes against the billion on the Democratic side. This is a tremendous effort to overreach and a tremendous power grab. And I cannot blame the unions for wanting to do that. They not only have the right to strike, which is an awesome economic power, but they want the power to win the strike. I cannot blame them for that. The unions want to get that. But that does not make it right.

I have had people through the years, as we fought some of these excessive pieces of legislation, come to me and say, "Please stop it." People who are going to vote for it, but it was very bad legislation. This is an excessive power grab that would upset this delicate balance and cause untold problems in the future, and many of my colleagues recognize this.

So I am very concerned that we look at this matter in an intelligent way. I do not think anybody would cite Canadian law, which does not allow the hiring of permanent striker replacements, as an example. Now they have more strikes than ever, exactly what we predict if this legislation should pass.

I do not think people in Europe have better labor laws. In Germany, if it would affect the company drastically economically, the Government can just stop the strike. It would be pretty tough to be able to show that most strikes, especially over prolonged periods of time, would not affect the company. So there are not many strikes in those nations because their laws are not as tough as ours in the protection of trade unions. I will not go through those laws again. I did the first day of this debate on Monday.

The fact is that this is an overreach. When the Senator talks about plant-closing legislation and more is going to happen if plant-closing legislation is passed, that is true. The final bill that passed was certainly a lot less than what the distinguished Senator from Ohio was asking when he first brought this bill to the floor. I have to admit that I think there is plenty of evidence that this law has hurt a lot of businesses but not nearly as much as the original legislation. Had we not fought it, it would not be nearly as reasonable as it is, and I still think it is bad law. It passed the Senate, and I accepted that.

The data from the GAO study on striker replacement has been cited repeatedly. As previously noted, those permanent replacements were used in only 17 percent of strikes in the late eighties. Further, and even more importantly, it shows that in 1985 and 1989 the percent of striking workers permanently replaced was only 4 percent in 1985—that is, on all the striking workers—only 4 percent were affected in 1985 and 3 percent in 1989 respectively. It is likely, but not certain, that the actual percentage is even smaller since the GAO statistics classified them as "permanent replacements" even though strikers might have gotten their jobs back because the strike was found to be an unfair labor strike. So the figures would actually be less.

Studies by the Bureau of National Affairs are entirely consistent with the GAO results, and may in fact demonstrate a downward trend in the use of permanent replacement. Most notably, a recent survey conducted by the Bureau of National Affairs reported in 1991 that striker replacement was used in only 14.6 percent of strikes. The data included both temporary and permanent replacements.

So it is even down below the 4 and 3 percent. This recent study confirms not only the fact that the use of permanent replacements is not widespread but also that the use of permanent replacements has not shown a significant upward spiral through the eighties and early nineties.

I ask unanimous consent that this letter to Senator KASSEBAUM dated May 13, 1994, from the Director of Information of the National Labor Relations Board be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL LABOR RELATIONS BOARD,
Washington, DC, May 13, 1994.
Hon. NANCY LANDON KASSEBAUM,
Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR SENATOR KASSEBAUM: This is in reply to your letter of May 11, 1994. The National Labor Relations Board does not keep statistics on the percentage of strikes involving permanent replacements. Accordingly, we do not know whether the figures in the chart are accurate. If I can be of further assistance, please let me know.

Sincerely,

DAVID B. PARKER,
Director of Information.

Mr. HATCH. This letter says:

DEAR SENATOR KASSEBAUM: This is in reply to your letter of May 11, 1994. The National Labor Relations Board does not keep statistics on the percentage of strikes involving permanent replacements. Accordingly, we do not know whether the figures in the chart are accurate. If I can be of further assistance, please let me know.

So there have been citations on charts here on the floor, and the fact of the matter is that probably the use of permanent striker replacements is even less than 4 and 3 percent respectively in 1985 and 1989.

Let us just be honest about it. This is as bill to stack the deck in favor of the unions instead of maintaining the delicate balance of power that I think most people who really look at this honestly prefer and hope will be maintained.

That is what we are fighting about here today. I know that many on the other side are very, very sincere about this; not all. They would like to get this benefit for the union movement. But I do not think that the unions are what they were. I worked in the building and construction trade unions for 10 years. At that time 85 percent of all the heavy duty construction in this country was done by trade union companies—unionized companies. We were proud of what we did. Our apprenticeship programs were the best. Our skills were the best. Today it is exactly the opposite.

About 85 percent of all the major construction in this country is done by merit shop contractors or nonunion contractors. Something is wrong here. We have tried to stack the deck in favor of the trade unions all the way through. I am proud of the union movement in this country. I know that they can do a better job. I know that they have economic power and the power to strike that will help them in any collective bargaining negotiations. I know they have the power to get management to come to the table.

So we do not need this legislation. This legislation would be detrimental to the country. I hope our colleagues will support our vote against cloture here today.

Mr. President, I reserve the remainder of our time.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Connecticut. Who yields time to the Senator? Does the Senator from Ohio yield time?

Mr. METZENBAUM. How much time does the Senator desire?

Mr. DODD. Five or six minutes.

Mr. METZENBAUM. I yield 5 minutes to the Senator from Connecticut.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized for 5 minutes.

Mr. DODD. Mr. President, I thank my colleague from Ohio and commend him for his efforts in this regard. This issue has received a great deal of attention and has generated some heated debate, all across the country, since it has been introduced as a legislative proposal. I am not going to take a great deal of time because I know others have already spoken on this issue.

What my colleagues certainly know, or ought to know, is that what we are debating here is whether or not we can debate. This is a cloture motion. We are not debating the bill yet. The issue is whether or not we will be able to discuss and debate a proposal that would try to redress an imbalance that has occurred in labor relations. This is not unique; imbalances occur all the time in many different sectors of our society.

What we are hoping here this morning is that we will be able to end a filibuster and then move on to discuss and debate a piece of legislation that will try to correct an imbalance. That is all this is about.

So I am hopeful that at the end of this discussion, a little later this morning, 60 members—10 more than a simple majority—will see fit to allow a debate to go forward on this issue and then allow amendments to be offered to modify the legislation that has been introduced. Defeat the legislation, fundamentally change it, or do whatever; but at least allow us the opportunity to debate and to vote on whether or not we ought to redress what many of us think—what a majority of us think, I would point out—is legitimately an imbalance between labor and management.

As its name would suggest, Mr. President, this legislation is about fairness. We have long recognized in this country that between labor and management there is a balance: Management can withhold wages and benefits during an economic crisis at a particular facility or plant. Labor, on the other hand, can withhold its labor, its hands, if you will. That is the balance—wages and benefits on one hand, your labor on the other.

I presume we would think it ridiculous if somehow, through some loophole, management was required during a strike to maintain fully all economic benefits to the striking work force, that regardless of what happened, management had to continue to do that. I presume someone would stand up and say, wait a minute, that is not fair, you have an imbalance here.

In this case, however, if members of a work force go out on strike—which no one likes to see because of the tremendous disruptions that occur—management can now hire not just temporary employees, but permanent employees. If these replacements were temporary, the debate would be somewhat different. But under the current Supreme Court interpretation, management can hire permanent replacements for you and say you cannot come back here.

I ask you, from a common sense point of view, what has happened to that delicate balance between labor and management once we have undercut the ability of labor to withhold its labor in trying to reach some agreement? Can we honestly say we have equilibrium if we say to one side of the equation that you cannot come back, that we are going to hire permanent replacements for you; that you are out?

What the Senator from Ohio and at least 52 others of us around here are trying to do is redress that imbalance. That is what this motion is all about, to get us to the point where we can address that inequity. Basic fairness is at the heart of this legislation. This fundamental right, if you will, has been badly eroded; that is, the right to withhold your labor in order to facilitate meaningful negotiations.

Mr. President, working men and women of this country have paid a very dear price indeed for the erosion of this right. The delicate balance to which I referred has tilted more and more as employers increasingly exploited the loophole that allows them to hire permanent replacements. Frankly, I think it all began to worsen after the disastrous PATCO strike in 1981—if I were forced to pick a single moment in time when things began to shift dramatically, I would point to the air traffic controllers dispute.

This is not a theoretical debate for working men and women in this country. They have seen their standard of living slip year by year. They have seen their paychecks shrink and benefits fall. They have seen their ability to make ends meet and raise a family come under attack.

Mr. President, they have seen all of these things happen and, at the same time, they have seen their right to do something about it slip away like sand between their fingers.

This was not supposed to happen, Mr. President. The hiring of permanent replacement workers is clearly not what Congress had in mind when it passed the National Labor Relations Act. This practice severely undercuts, as I said a moment ago, the only meaningful leverage that workers have in an economic dispute, and it encourages employers, in my view, to walk away from the bargaining table. Why would you stay? Why would I stay and negotiate

if I can permanently replace you? What is the benefit to me to stay and negotiate, after all? I will just hire new people and break your back. That is, in a sense, what we are allowing now.

According to data gathered by the Bureau of National Affairs, replacements were hired during a strike 45 times in 1993. Fewer than half of those disputes ended with striking workers being reinstated.

S. 55 would redress the imbalance reflected in these numbers. It would prohibit employers from hiring permanent replacements for employees who are engaged in a strike over economic issues. Additionally, it would prohibit employers from discriminating against strikers by giving preference to workers who offer to return to work over those employees who continue to participate in the labor dispute.

Again, I congratulate my colleague from Ohio for his leadership on this legislation. Allow us to get to the debate on this. This is unfair. We are seeing a tremendous injustice being done. There are other debates we have around here, about minimum wage for example, where people can honestly disagree about what is the right level to set. But let us not perpetuate this significant unfairness and imbalance. Let us vote cloture and allow a debate to go forward.

The ACTING PRESIDENT pro tempore. The Chair advises Senator METZENBAUM that he has 7 minutes 40 seconds. Sixteen minutes remain on the other side.

Mrs. KASSEBAUM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, we have had 3 days of debate and, I think, good debate, both pro and con, on this very important issue.

This is not an issue about party loyalty. As the Senator from Utah [Mr. HATCH] pointed out, there are Democrats who oppose S. 55 and Republicans who support S. 55, though not a large number on either side. But it clearly is not just a question of party loyalty.

I suggest that it is a question of workplace fairness for both labor and management. It has been stated on the floor during the course of these 3 days, Mr. President, that those of us who oppose S. 55, and those of us who have opposed cloture, do not care about the American work force. As the Senator from Maine [Mr. COHEN] pointed out, that is just too simplistic. We do care about the American work force and the American workplace. As a matter of fact, those of us who oppose S. 55 really are in favor of fairness. In the long run, if S. 55 should pass, it will mean further turmoil, further uncertainty, and greater instability.

As the Senator from Ohio [Mr. METZENBAUM] said, replacing workers does take a toll. That is why most management would prefer not to have to replace workers. It takes a toll on those in the labor force who go out on a prolonged strike, as well. Current labor law for the last 50 years has provided stability which allows both sides to come to the bargaining table with some leverage—some leverage for labor, because they can strike, and that would break off negotiations. Management has some leverage as well, in that they have been able, for 50 years, to have permanent replacements. One would not permanently replace workers gratuitously. That is just as unsettling as prolonged strikes; both take a toll.

What this is about, I suggest, is trying to maintain current labor law which leads to a greater desire for both labor and management to come to the table in good faith in bargaining sessions. This is done most times.

The Senator from Connecticut [Mr. DODD] mentioned the PATCO strike. He said, as has been stated before, that many of the cases involving permanent replacement workers came after that strike in the eighties, when management was taking advantage of a new atmosphere. But there were strikes prior to the eighties and during the seventies in which permanent replacement workers were hired. Not many permanent replacement workers were hired just as not many are hired today, nor should there be. But it should be an option that is available.

It has been said during the course of this debate that other countries that have banned permanent replacements have had a glowing record in labor-management relations. We need only compare unemployment rates. Ours in the United States is 6 percent; Canada has an unemployment rate of 10.4 percent; and the European Community has an unemployment rate of 10.9 percent.

These are not rates that we want to emulate. What we want to achieve is even a lower unemployment rate than 6 percent. What we want to encourage is harmony in the workplace. S. 55 would only discourage harmony in the workplace. It would turn the clock back and we would lose the opportunity to encourage both labor and management to use the leverage that both have in order to find a harmonious relationship that will provide security for American workers in the future.

I yield back the floor, Mr. President, and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. DODD). Who yields time?

Mr. METZENBAUM. Mr. President, I yield 3 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I think one of the most moving speeches I have seen or heard as a Member of the Congress came a few years ago from a fellow who previously had been an unemployed electrician at a shipyard in Gdansk, Poland. He had been beaten and bloodied and thrown over the fence for leading a labor strike against the Communist Government of Poland.

As he lay there bleeding on a street, wondering what to do next, he pulled himself back up and went back over the fence to lead the strike against the Polish Government.

The purpose was for a free labor movement for democratic principles in Poland.

Ten years later, this unemployed electrician, who was beaten badly because he wanted to lead a strike for a democratic labor movement against a Communist government, was introduced over in the House of Representatives as the President of the country of Poland.

Do you know what he said to us? He said we did not even break a window pane. They had all the guns; they had all the bullets. We had something far more powerful. We had an idea. We were working men and women armed with an idea, and that idea was democracy, democracy in the workplace.

And that idea ought not be out of fashion anywhere, especially in this country, the greatest democracy in the world. But there are too many people who think that principle of democracy in the workplace was just wonderful for Poland when Lech Walesa was leading a strike against the Communist government, but it does not quite fit for Peoria or Pittsburgh.

Well, I heard a news report last night when this issue was on the floor of the Senate about replacing striking workers who were striking for higher wages.

Let me talk about one worker, a 50-year-old truckdriver. He worked 16 years. I talked to him and his wife. They were not striking for higher wages. They were offered by his company, as was his bargaining unit, lower wages, 15 percent lower. All right. That is fine. They took a 15-percent pay cut. Then the company came around 2 years later and said: Now we want another 20-percent pay cut.

He and his fellow workers knew it was unfair because this company was making money. They said: No, we are not going to do that this time. The company would not budge. So they went on strike.

This man and his family had 16 years committed to this company. Do you know what the company did? It said, "If you go on strike, it is over; you are fired."

That, in a democracy? It is wrong. And that is what this issue is about.

This is not about unfair labor practices by workers who are greedy for more money. This is about protecting people who have a right to strike. If you say to companies that if a collective bargaining unit goes on strike, you can fire them, they have no right

to strike, you have severely injured economic democracy; in fact, you have taken away economic democracy in the workplace.

That is what this issue is about. You can paint all other characters about it that you like. But it is fundamental fairness for working men and women in this country. And I am pleased to support cloture.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

If no one yields time, the time will be deducted equally from both sides.

The Senator from Ohio.

Mr. METZENBAUM. Mr. President, how much time does the Senator from Ohio have remaining?

The PRESIDING OFFICER. The Senator from Ohio has 4½ minutes.

Mr. METZENBAUM. Mr. President, I yield 4 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 4 minutes.

Mr. KENNEDY. Mr. President, I want to make sure that the Members are familiar with an excellent letter that was written by the President of the United States to Donald Fites, who is the chairman and the chief executive officer of the Caterpillar Corp. and I will include it in the RECORD. But I think one part of the letter that deserves to be included at this point in the RECORD is the part of the letter where the President says:

> I believe that the threat or implementation of replacing striking workers has a poisonous effect on the relationship between workers and employers, and it does great damage to the collective bargaining process. I am currently fighting to get Congress to pass S. 55 in the Senate so that we can ban the tactic of hiring permanent replacements as a means to break a strike. Whatever the outcome of this legislative battle, I strongly believe that this practice must stop because it deters the type of collective bargaining and cooperative work forces that we need to prosper in the new world economy.

That is a very clear statement of principle, Mr. President, by the President of the United States about the importance of this legislation.

Mr. President, this issue is about real, flesh-and-blood workers—people like the 450 workers in Massachusetts who have been permanently replaced since 1988. These workers and their families deserve our help. This issue is about their jobs, their livelihoods, and their families' future. It is about people like Lori Pavao, a former aide in a nursing home in Fall River, who was permanently replaced when she and other aides and members of the dietary and housekeeping staff went on strike in 1989. She recently described what happened to her:

> I worked there for 8½ years. A lot of patients were like family to me. I felt lost for awhile. I did not want to start all over somewhere else. You always hear about people going out on strike and people going back. I just never dreamed that it would be over that way. I thought I was going to retire from that place.

This issue is about workers like the women at Diamond Walnut. They gave decades of their lives to that company. They agreed to 30-percent pay cuts in their meager wages to help their company survive when it was facing difficulties. Yet they were thrown out on the street when the company recovered and made record profits—in large part because of their sacrifices.

This issue is about the workers at Burns Packages in Kentucky, 45 percent black, 40 percent female, who were making $4.70 an hour when they decided to form a union. They asked for a 5-percent pay raise to just $4.95 an hour, and grievance and arbitration procedures for resolving complaints about unfair treatment on the jobs. But when they went on strike after 12 months of fruitless negotiations at the bargaining table, they were immediately and permanently replaced.

What is at stake here is the standard of living for working men and women. The country has suffered a 20-year decline in real wages.

Hourly compensation has fallen compared to other major industrial nations. The downward spiral in wages has coincided with a reduction in the percentage of union workers.

According to the Congressional Budget Office, between 1977 and 1989, the after-tax income of the top 1 percent of families rose more than 100 percent—while that of the bottom 20 percent fell nearly 10 percent.

The Census Bureau also recently reported that the percentage of full-time workers whose wages are too low to bring them above the poverty line has increased from 12 percent in 1979 to 18 percent in 1990—a development which the Census Bureau itself described as "astonishing."

In the 1980's, we stood virtually and ominously alone in the industrial world as a nation where the disparity in income between rich and poor grew wider. That is not a healthy trend for any country, and certainly not ours, which is based on the principle of fair opportunity for all.

The facts are disturbing. The ratio in earnings between the top 10 percent of wage earners and the bottom 10 percent is wider in the United States than in any other industrial country. The bottom third of American workers earn less in terms of purcha_ing power than their counterparts in other countries.

At the same time, Americans are working harder than workers in other industrialized countries. Our workers now labor 200 hours more a year than workers in Europe. While vacation and leisure time have increased over the past 20 years for Europeans, they have declined for most Americans.

Health care for American workers has also become increasingly expensive. Many employees across the country have gone without pay increases in order to obtain good health care, only to see their health benefits cut back and be asked to pay a greater percentage of their health costs. Since 1980, the share of workers under 65 with employer-paid health care has dropped from 63 percent to 56 percent. The percentage of workers covered by employer-provided pension plans is also rapidly decreasing.

While the earning power of workers has been falling, the compensation of top CEO's—which was about 35 times the pay of the average employee in the 1970's—has soared to 120 times the average employee pay in the 1990's.

This legislation offers us a chance to take a stand against all of these disturbing trends. Ending the practice of permanently replacing workers will not solve all the problems of working Americans, but it can help to turn the tide.

Mr. President, in the course of the debate over this bill, a number of the opponents have attempted to argue that this bill is unnecessary because the use of permanent replacements is too infrequent to justify a legislative response. But the tens and thousands of workers around the country who have lost their jobs for exercising the legal right to strike bear witness to the need for action.

Study after study has shown that the use or threat to use this tactic has soared in recent years, and that it is now a routine tactic in collective bargaining negotiations.

In a survey conducted by the Bureau of National Affairs earlier this year, 82 percent of employers said that if their employees went on strike, they would attempt to replace them, or would consider doing so. And of those employers, more than one in four said the replacements would be permanent.

This problem is serious, and it is clearly growing. The results of a recent study by Teresa Anderson-Little of the economics department at Notre Dame University make the point.

By searching electronic data bases, published legal articles and National Labor Relations Board cases between 1935 and 1991, she identified 632 strikes involving the use of permanent replacements. Her study is the largest data base of any studies conducted to date.

Her research confirms that the use of permanent replacements was extremely rare in the first 40 years following passage of the National Labor Relations, and that the increase has been dramatic in recent years.

The study shows that for nearly 40 years—from 1935 through 1973—there was an average of only six strikes a year in which employers hired permanent replacements.

Beginning in 1974 and continuing through 1980, the average number of

strikes per year involving permanent replacements climbed steeply, to triple the prior level. From 1981, the year President Reagan permanently replaced the striking PATCO workers, through 1991, the average rose even higher to 24 strikes a year—4 times the original level.

Opponents of this legislation claim that the ability of employers to permanently replace workers helps to promote more cooperative labor-management relations, and prevent disruptions to the economy caused by strikes. But the Anderson-Little study confirms that the use of permanent replacements significantly prolongs strikes and prevents disputes from being settled.

The study shows that while the average duration of strikes over the past half century has ranged from 2½ weeks to 4 weeks, strikes involving permanent replacements have consistently averaged seven times as long.

The Bureau of Labor Statistics stopped keeping comprehensive data on strike duration in 1980's, so the Anderson-Little study covers strikes only through 1979.

However, studies involving limited samplings of strikes during the 1980's and 1990's confirm that the tactic of hiring striker replacements leads to longer strikes.

Using a GAO-compiled data base of strikes in 1985 and 1989, Professors Cynthia Gramm and Jonathan Schnell of the University of Alabama found that permanent replacement strikes lasted three times longer than strikes where the tactic was not used.

A survey of strikes involving members of the Steelworkers Union from 1990 to the present found that where temporary replacements were used, the average strike lasted 121 days, but when the employer hired permanent replacements, the average lengthened to 284 days.

The reason is obvious. Once permanent replacements are hired, the union and the employer are suddenly at odds on the issue of reinstating the striking workers, which dominates the rest of the bargaining. Strikes become more bitter, and more difficult to resolve.

Studies like the Gramm-Schnell study have consistently found that employers now hire permanent replacements in 20 percent of all strikes, and threaten to hire replacements in another 15 percent of strikes.

The notion that we can sit back and let this practice continue because workers are permanently replaced in only one out of five strikes is both heartless and irresponsible. Every single worker who is permanently replaced is one too many.

We know that the livelihoods of real, flesh-and-blood workers are at stake behind these statistics. The Industrial Union Department of the AFL–CIO has provided the Senate with the names of 19,722 strikers who were permanently replaced in strikes that occurred in the 1980's and early 1990's. And those are names from just a limited sample of the strikes occurring during that period.

Opponents of this legislation also argue that replaced strikers have the right to be placed on a preferential hire list considered for future openings if the permanent replacements leave. But the fact is, very few such workers ever return to work with their previous employer. Many never recover, financially or emotionally, from the devastating experience of losing their jobs for exercising what is supposed to be a legally protected right.

The striker replacement bill has solid support from religious groups, civil rights groups, and women's groups. They understand that this issue is not an abstract power struggle between big business and big labor. This is about real people being deprived of the only power they have to counteract the enormous power of employers to exploit workers unfairly and dictate wages and conditions on the job.

Opponents also claim that this bill is only about economic strikers, and that workers who engage in strikes caused or prolonged by unfair labor practices are already adequately protected by law from being permanently replaced. But workers who strike over unfair labor practices are just as vulnerable to being permanently replaced as economic strikers, because the determination of whether a strike is an unfair labor practice will not be made until long after the strike is over.

On the average, it takes more than 2 years for a charge alleging that an employer has committed an unfair labor practice to be decided by the National Labor Relations Board. If employers exercise their extensive appeal rights, even more years will pass before a final decision is reached by the courts. Even if the employer is found to have violated the Act, the back pay for the employee will be reduced by any earnings they have made in the interim. Only at that point is the employee legally entitled to return to his job.

The Workplace Fairness Act will ban the practice of permanent replacements generally, and end the distinction between economic strikes and unfair labor practice strikes. It will also prevent the injustice to unfair labor practice strikers that is caused by the current system.

Workers will no longer have to guess and gamble at the outset of a strike as to whether the strike will or will not be found years later to be an unfair labor practice strike. Workers will know at the beginning that their right to strike is legally protected, and employers will know that they cannot permanently replace the strikers. The need for prolonged and wasteful litigation to determine whether the strike was an economic strike or an unfair labor practice strike will be eliminated.

By passing this legislation and reaffirming this country's commitment to collective bargaining, we are reaffirming our commitment to a fair balance between labor and management. We will be standing up for the original historic intent of the labor laws, which have done so much for the country in the past half century. This legislation will close a loophole that undermines good relations between business and labor, and I urge the Senate to approve it.

Mr. President, I request that the President's letter to Mr. Fites be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, July 12, 1994.

MR. DONALD FITES,
Chairman and Chief Executive Officer,
Caterpillar Inc., Peoria, IL.

DEAR MR. FITES: I am writing today not to take sides in the substance of your current labor dispute, but to express my hope that both sides can together work out these differences in a spirit of cooperation which allows you to get back to the business of creating jobs and quality products.

As you know we had our differences back in 1992 over your threat to permanently replace your workers. Indeed, I even walked the picket lines with your workers. This disagreement in no way detracts from my respect for your company as a market leader and job creator, but the subject of striker replacement is an issue which I felt strongly about then and feel strongly about today. I believe that the threat or implementation of replacing striking workers has a poisonous affect on relationships between workers and employers and that it does great damage to the collective bargaining process. I am currently fighting to get Congress to pass S. 55 in the Senate so that we can ban the tactic of hiring permanent replacements as a means to break a strike. Whatever the outcome of this legislative battle, I strongly believe that this practice must stop, because it deters the type of collective bargaining and cooperative work forces that we need to prosper in the new world economy.

I know that the nature of your current dispute does not raise the permanent replacement issue, but I want to challenge companies like yours that have been split by this issue in the past to move forward to new chapters of cooperation and economic revitalization, and I hope that spirit can be shown by both sides as you work through your current dispute.

Sincerely,

BILL CLINTON.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield 2 minutes from our side to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 2 minutes.

Mr. WELLSTONE. Mr. President, I first of all would like to thank the Senator from Utah for his graciousness.

This is the end of the debate, and it is right before this vote on cloture.

Mr. President, I just would like to introduce as part of the RECORD a very powerful statement, an appeal of conscience to the U. S. Senate from the ecumenical—Jewish, Prostestant, Catholic, major religious organizations—from all over the country. I have heard some of my colleagues say they have not heard that much from people in the country about this. And conscience is exactly the right word.

Mr. President, this piece of legislation is about workplace fairness. I have seen too many people who have been forced out on strike and then permanently replaced.

I have seen too many broken dreams and broken lives and broken families, too many unions busted, too many wages depressed, too many families not able to put bread on the table, too many Americans denied economic justice.

This is a piece of legislation that is not just for unions. It is for working people. It is for regular families.

Mr. President, right now, as matters stand, too many large companies have an atomic bomb that they can use. They can force people out on strike and replace them. This bill restores some fairness, some economic justice. And it is, in the words of the religious community, an issue of conscience.

I hope that my colleagues will at least vote to let us go forward with this debate. Do not block the debate. Do not pour cold water on the hopes and dreams of regular people. Let us debate this and let us pass a piece of legislation that would guarantee justice for working people.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. HATCH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I yield such time as she may need to the distinguished ranking member of the Labor and Human Resources Committee.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I wish to offer a few further remarks in conclusion.

I would like to quote from an editorial in yesterday's Washington Post. It has been mentioned a couple of times during the course of this debate, plus earlier editorials. In the last paragraph, it said:

> The goal of labor law is not to determine the outcome of labor disputes but to maintain a system of mutual deterrence in which neither side can act without risk. An obdurate company risks a strike; obdurate strikers risk replacement. Most of the time the balance works and produces rational results. This bill would destroy the balance and ought not to pass.

That is really what those of us who have opposed S. 55 have argued for some time.

And I would just like to say that the Washington Post is not some hide-bound Republican paper. It had been suggested the other day, when I quoted from the Kansas City Star in its opposition to S. 55, that it was a hide-bound Republican paper. I would like to note that it opposed me editorially in my election in 1978 and it supported Bill Clinton in his Presidential election in 1992.

So I think that there are those who editorialize who do so, Mr. President, with a desire to see that fairness exists in the workplace. That is not to say that labor or management both do not have a responsibility in making it work.

If S. 55 should pass and if cloture should be invoked, it does not mean that we have not had a successful debate. It simply means that we would turn the clock back on 50 years of labor law. Instead, we need to work harder to make it work better in the future, not change it dramatically.

I yield back any time I may have.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HATCH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Utah.

The Senator from Utah has 6 minutes remaining and the Senator from Ohio has 30 seconds remaining.

Mr. HATCH. Mr. President, this has been an excellent debate. Both sides have been sincere. Both sides have tried to make their case as well as they could.

This is a perfectly good illustration of why we need the extended educational dialog rule. Some call it the filibuster rule.

The fact is that there are very, very strong feelings on both sides of this issue. We feel very deeply on this side that, if you do not keep a risk on both sides of an issue like this, then one side is going to gain total preeminence over the other.

Now let us just be honest about it. The unions have a right to strike. I have fought for that right and I will continue to do so. It is a great economic power and it is a great economic right. A lot of business people do not like it, but it is right.

But businesses should have a right and even the power to save their businesses. They should not have to be put out of business just because of a recalcitrant union or a vindictive union leader or for any other reason that does not make sense.

The only way they can offset that tremendous economic power to strike is to have a right that they usually do not want to exercise —and history has proven they do not exercise very often—the right to hire permanent striker replacements.

That is what brings these two very formidable adversaries, business and labor, to the table with neither of them having more strength over the other for the most part—unions do have a slight economic advantage, but not very much—forcing both of them to come to the table and having to sit down and negotiate and collectively bargain.

In all honesty, if business must agree to an uneconomic labor agreement, it means resources that are necessary for the business go somewhere else. It means that they are less able to compete. It hurts the business' ability to ultimately stay in business. If the business holds out during a strike and the union has no incentive to come back to compromise, they risk going out of business sooner. Neither of these scenarios is good for workers in the long term or good for our country.

The American people understand this. In a Time-CNN poll, they found that 60 percent of the American people oppose banning permanent replacements. The Gallup Poll—and certainly Gallup has not been known to be probusiness—also found that 60 percent oppose this ban that this bill would allow.

I can only conclude that, once again, the people have made a logical determination about the legislation. They understand implicitly that in labor-management relations, there has to be risks on both sides. You just cannot let one side have it all.

Now, I appreciate that there are strong views on this. I admire my colleagues on the other side and I want to compliment them for the fight that they have waged. The proponents are certainly sincere in doing what they can.

But we vigorously disagree that this bill is the way to help our country, help our economy, or even help American workers. We think it will hurt American workers. We think it will hurt the union movement. We believe it will hurt business. And we believe it will hurt our country as a whole. That is why we are fighting against it in a bipartisan way.

I do not know how anybody could really argue that we should stack the deck one way or the other. And, I have to tell you, most people of businesses that are unionized do not want to have a confrontation and excessive conflict with their unions.

Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Senator from Utah has 1 minute and 50 seconds remaining. The Senator from Ohio has 30 seconds remaining.

Mr. HATCH. Let me just take another 20 seconds and I will yield the remainder of my time to Senator from Ohio, who has fought long and hard for this, so that he will have a little more than 30 seconds.

Mr. President, I admire my friend from Ohio. I am going to miss him

when he leaves at the end of this year. There is no one who fights harder and there is no one, I think, who does a better job for the side that he believes in. I respect him. I just wanted to say that on the floor.

The fact that he is wrong most of the time really may be incidental on this point.

But I just want you to know, Senator METZENBAUM, how much we respect your ability to fight these issues.

I yield the remainder of my time to you.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, first, I want to thank my friend from Utah for his gracious remarks. I indeed appreciate it. He and I have battled over many years, and we remain friends notwithstanding that fact.

It is pretty obvious that today we are not going to prevail. We will have a majority of the Members of the Senate voting for cloture, but we will need 60 and that will not be sufficient.

But let me announce publicly that this is not the end of the issue. We will find an opportunity, hopefully, where those on the other side of the aisle want some particular piece of legislation. The rules of the Senate permit free and open amendment, and so when the opportunity presents itself, we will offer S. 55 as an amendment to some pending piece of legislation if there is a chance to do so.

I remember so well how we passed the bill on cop killer bullets, when we could not get the bill to the floor and finally we had to put it on some agricultural measure in order to get an agreement that we could have an up-or-down vote on it.

We will look for such an opportunity. We have a number of days left before the closing of the session. If that opportunity presents itself, S. 55 will not be a dead issue but it will be alive and well and we will send it over to the House in that manner.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, I am honored today to support the Workplace Fairness Act. I urge all my colleagues to join me by voting for cloture on this landmark legislation.

This bill is important to America. It is one of those rare pieces of legislation that shows that our mass society values the individual. It shows the Government respects the needs of ordinary working people. It shows that Main Street is just as important as Wall Street.

And, Mr. President, this bill is especially important to the most vulnerable and fastest growing segment of our work force—American women.

Over the last decade, women have assumed ever greater economic and family caretaking responsibilities. Everyone in this great country should be unsettled by the fact that women and children are most likely to fall deeper into poverty and homelessness. One of three families headed by a woman lives at or below the poverty line: nearly 70 percent of all working women earned less than $20,000 a year, and 40 percent earned less than $10,000 annually. These workers need the ability to raise their standard of living in order to break the cycle of poverty and welfare dependence which many of them endure.

Passing this legislation is one step in that direction. Perhaps the Women's Legal Defense Fund stated it best:

> America's working women, especially women of color, are disproportionately concentrated in low-waged, high-turnover jobs. These women and their families are especially vulnerable to the growing management practice of permanently replacing workers who exercise their legal right to strike—in other words, firing striking workers. Employers may view women in low-wage jobs as especially easy to replace.

Mr. President, you know as well as I that these workers cannot bargain effectively unless they are assured that they do not risk losing their jobs permanently.

When then-President Ronald Reagan summarily replaced 12,000 striking air traffic controllers, he sent a message to a new generation of industry leaders that it was OK to replace a striking work force.

So, who is next, Mr. President? Nurses, who spend every long night of their shifts mopping the brows of the sick? Machinists, who work a lifetime ensuring America remains competitive? Longshoremen, who toil day in and day out to send the fruits of American labor to every corner of the globe?

It is time to stop treating skilled, loyal workers like outdated, unwanted machinery.

But, Mr. President, you will hear opposing views in this Chamber on this issue.

You will hear that this bill will only increase the likelihood of strikes throughout the country. I could not disagree more. America's workers do not want to strike. They understand the serious implications of a strike. They understand, as I do, the fear being one paycheck away from economic disaster. Most of us have home mortgages, car payments, educational and medical needs for ourselves and our families. America's workers know striking is the option of last resort.

Mr. President, the Workplace Fairness Act is needed to level the playing field. It will allow millions of Americans the right to bargain collectively, to bargain in a fair manner, free from coercion and threats.

The Workplace Fairness Act will begin to restore this right, which seems to have been lost in this rapidly changing world. It will echo a lesson I learned from my parents; it will send a message to America that the little guy is just as important as the big guy.

That is why I urge all my colleagues to join me today in supporting the cloture vote on the workplace fairness bill.

Mr. LEVIN. Mr. President, I support the Workplace Fairness Act, S. 55, which would make it an unfair labor practice under the National Labor Relations Act and the Railway Labor Act to hire permanent replacement workers during an economic strike. This legislation would restore an appropriate balance to the collective bargaining process in which differences between businesses and employees are worked out at the bargaining table. For this reason, I am voting in favor of cloture to end the filibuster blocking consideration of this vital bill in the Senate.

The National Labor Relations Act [NLRA] has been the primary Federal law governing labor relations in the United States for more than five decades. The act emphasizes collective bargaining as the best method for resolving labor-management disputes, and promotes an atmosphere of equal power between labor and management in dispute resolution.

In recent years, however, the delicate balance has been threatened by the regular use of permanent replacement workers. Although management has been free under the NLRA to hire permanent replacements during an economic strike since 1938, this practice was rarely used by employers.

In the early 1980's, the scale began to tilt. The shift began with the firing of 11,500 striking air traffic controllers by Ronald Reagan in 1981. Similarly disputes involving International Paper, Eastern Airlines, and Greyhound Lines among others tragically ended in the use of permanent replacements.

A report filed in 1991 by the General Accounting Office [GAO] found that employers threatened to hire permanent replacements in one-third of the strikes during the 1980's. Permanent replacements actually were hired in about 17 percent of those strikes. The report also found that most of the employers and workers it interviewed believed that replacement workers were hired more often in the 1980's than in the preceding decade. Further, the Bureau of National Affairs has reported that 82 percent of employers surveyed said they would hire replacement workers or consider doing so if their employees went on strike. One-fourth of those surveyed claimed that these replacements would be permanent.

The Workplace Fairness Act will help prevent the negative economic effects of prolonged disputes. A study conducted by Wayne State University in Detroit, MI indicates that in the long run, the profitability of companies that adopt confrontational tactics like the hiring of permanent replacement workers is less than that of companies that adopt a cooperative approach to labor relations.

Some people say that should S. 55 be passed by Congress and signed into law, our Nation would witness a dramatic increase in strike-induced work stoppages. This is simply not true. Economic strikes occur in less than 1 percent of all collective bargaining negotiations. Under S. 55, workers engaging in an economic strike would still face loss of wages, loss of health benefits, and loss of pension benefits. Putting family finances in such jeopardy in order to engage in an economic strike is not a situation that one would take lightly or into which anyone would rush. Losing these vital benefits for any period of time is strong incentive for any worker to stay at the bargaining table.

We need the Workplace Fairness Act to ensure that both sides come to the bargaining table on equal footing. The ability of employers to hire permanent replacements puts striking workers at severe disadvantage at the bargaining table. It increases the likelihood that they will be presented with only two options: accept the offer, or lose your job. These options are corrosive to the cooperative spirit between business and labor that is essential if the collective bargaining process is to endure.

Mr. MURKOWSKI. Mr. President, I rise to speak in opposition to S. 55, and to urge my colleagues to oppose the motion to invoke cloture on this legislation.

This legislation will profoundly alter the structure of collective bargaining in the United States to the detriment of both employers and employees. In the long-term, S. 55 will lead to a more rapid exodus of American companies from production activities in the United States and a reluctance by many companies to contract with union companies.

For more than half a century, the bedrock principle that has governed labor-management negotiations in the United States has been balance. Our Federal labor laws guarantee that an employer's demands at the bargaining table are checked by the knowledge that the employees on the other side of the table have the right to withdraw their labor from the company by engaging in a strike. Employers know that a strike of any duration can cause loss of profit and market share and could ultimately result in the company going out of business.

Employee demands at the bargaining table are similarly checked by the knowledge that a strike may be met by the hiring of both temporary and/or permanent replacement workers. Thus, as our labor law is currently crafted, neither side in a bargaining dispute has sufficient leverage to guarantee the economic result it seeks to negotiate.

What S. 55 would do is to radically shift the balance of power at the bargaining table by insulating striking workers from the risks that traditionally have acted as a check on the voluntary decision to strike over economic issues and would free organized labor to make economic demands that over the long-term could destroy the economic competitiveness of their employer.

Mr. President, it is important to emphasize that this legislation does not change the current law prohibiting employers from permanently replacing workers who strike in response to unfair labor practices. These can include the failure of an employer to bargain in good faith or discrimination against workers who engage in protected union activity. When an employer engages in such unfair practices, workers cannot be permanently replaced. If unfairly let go, they are entitled to their former positions and full back pay, and benefits.

According to a 1991 General Accounting Office [GAO] report, permanent replacements are used in less than one in five strikes and barely 3 percent of striking workers are replaced with permanent replacements. The reason that employers are reluctant to replace striking employees relates directly to the fact that replacement workers do not measure up in productivity with the workers they have replaced.

I believe that if S. 55 becomes law, it will begin to undermine organized labor as we know it today in America. This bill will not ensure worker security; it will make it far more attractive for companies to close unionized facilities and move to other parts of the country or abroad.

To stay in business today, suppliers must meet tight production and delivery timetables to satisfy daily customer demands. Failure of a supplier to meet a delivery schedule for a single component can mean the shut-down of a complete assembly line with resulting layoffs at the factory, the wholesale warehouse, and transporters. Suppliers simply cannot survive a strike of even a few days, let alone a month. The only choice that many of these companies have, is to consider hiring and training permanent replacements in order to stay in business.

If S. 55 becomes law, it is highly likely that companies will choose to do business only with nonunion companies. That will occur not only in the case of lean-production manufacturing companies but also in the construction industry where extended strike activity can shut down an entire project, affecting a multitude of contractors, subcontractors, and local communities. These costs would be exacerbated in areas such as Alaska where the construction season is very short. As a result, contractors will shun employers with union labor for fear that a project will shut down instantly because of a strike.

Mr. President, S. 55 will not provide organized labor the job security protections that its leadership has promised. This legislation should be rejected.

Mr. CHAFEE. Mr. President, I oppose legislation banning the permanent replacement of unionized employees during economic strikes, the so-called striker replacement bill. S. 55 is unnecessary, would reduce U.S. competitiveness, disrupt labor-management relations, and sacrifice more jobs than it would save. The bill is a job-killer—plain and simple.

In my own State of Rhode Island, over the past 18 months, we have had relatively few labor disputes. Of the affected workers, only a small percentage appear to have been permanently replaced. Importantly though, these separated workers have preference under the law to any vacancies which arise with their former employers. As such, if not immediately rehired, at some point in the future, they may be rehired.

For this reason, the concept of a permanent replacement is something of a misnomer. Indeed, a 1991 General Accounting Office study found that only 4 percent of all striking workers permanently lose their jobs. In other words, 96 percent ultimately return to their previous places of employment.

S. 55 would have an extremely adverse effect on the collective bargaining process, overturning more than 50 years of well-settled labor law. Law, I might add, which has produced relative workplace harmony, and an exemplary standard of living—by most measures—for unionized workers since it was first enacted in 1935.

In disputes over wages and benefits—as distinct from those involving unfair labor practices—the National Labor Relations Act, previously the Wagner Act, strives for a balance of shared risk between employees and employers. Employees have the right to strike, but employers have the right to continue business operations, with replacements, if necessary. This concept was upheld by the Supreme Court in 1938 in Mackay Radio, and is a well-recognized principle of modern labor relations policy.

This constructive dynamic of shared risk forces both sides to resolve their differences through good faith negotiation, thereby preserving jobs and productivity. Indeed, we see a growing recognition that the labor-management relationship requires increased cooperation. The new global economy dictates that to compete successfully—for jobs and profit—an enlightened partnership must always be the goal.

This certainly does not mean that all are pure of heart in negotiating disputes. Any one of us may cite examples of labor law abuses on the part of employers and employees. While stronger enforcement makes sense to ensure any such abuses are minimized, in my judgment S. 55 is not the appropriate remedy.

S. 55 would destroy this dynamic of shared risk by guaranteeing the jobs of economic strikers, making it nearly impossible for an employer to secure replacement help in the event of a work stoppage. If striker replacement legislation were to become law, any replacements hired during a strike would be relieved of their duties the moment a settlement was reached. In other words, S. 55 makes the employee's decision to strike nearly risk-free.

We must all recognize, under current law, the task of securing replacement help during a labor dispute is no small undertaking. This is particularly true for smaller firms with less capital, or for those businesses which cannot afford any disruption in operations—such as hospitals or food processors. First, the employer must persuade potential replacements to cross a picket line, an enormous psychological barrier, to say nothing of the potential for violence.

Second, the employer may not coax replacements with the offer of better terms than he or she has extended to the strikers.

Third, replacements must be trained, a potential costly and time-consuming exercise—particularly in occupations demanding highly skilled personnel.

To compound the already difficult burden of sustaining business operations during a labor dispute, the banning of permanent replacements would leave employers with a Hobson's choice—either accede to union demands, or go out of business. Faced with this choice, most employers would prefer to meet union demands than to endure a shutdown, even if it meant making imprudent economic concessions.

Over time, this kind of one-sided bargaining would leave domestic employers vulnerable to the lower cost goods and service of foreign competitors. With their economic vitality sapped, these vulnerable firms would ultimately lose market share and collapse, displacing an entire work force. In a State like Rhode Island, which is just beginning to feel the fruits of economic recovery, S. 55 would be an unmitigated disaster.

With the risk of job loss largely removed from the equation for striking workers, S. 55 would encourage economically motivated labor strife. Moreover, it would reduce the labor-management cooperation needed to compete and succeed in today's global marketplace.

Mr. President, because I believe the net effect of striker replacement legislation would be to place the economic viability and employment prospects of thousands of firms and their employees needlessly at-risk, I must oppose S. 55.

Mr. BRADLEY. Mr. President, global competition, rapid technology change, and a frantic decade of corporate greed have put unbearable stress on the American worker. Worst of all, at a time when the compact of trust between labor and management most needed strengthening, that compact instead became weaker. Nothing better symbolizes that collapse of trust in the workplace than the trend toward using permanent replacement workers to break strikes, and, with them, organized labor unions.

It is about time that we realize that we are all in this together. If it is worker against management, rich against poor, pitted against each other in vicious disputes like those that laid waste to Eastern Airlines and Greyhound, we will never be able to build a society that lifts everyone to the higher ground. For most of our history as an industrialized nation with a strong labor to movement, we have understood this. Although companies had, in theory, the right to hire permanent replacement for strikers, they rarely did so, because they treated their work force as an investment. Workers were not interchangeable parts but partners in the quest for productivity and partners in a community.

But in the last 15 years or so, things changed. A few managements, often new owners with no connection to their community, began to see labor disputes as an opportunity to increase cash flow by breaking the union and replacing the workers most active in negotiating for better working conditions. In almost 1 in 5 strikes, some workers were replaced, and 1 in 3 disputes were settled under the threat of permanent replacement. The ultimate measure of this trend is the average hourly wage in the private sector, which dropped by more than $1 in the 1980's. A worker does not have to be permanently replaced for his or her family to be hurt by the tilting of the balance of power away from organization labor.

While some workers lost jobs and others lost wages, no one has gained from the trend toward hiring permanent replacements. Strikes were no shorter. The companies that hired replacements were not healthier. And our economy did not gain an advantage over the other industrialized countries in the world, all but two of which ban permanent replacements.

The case for this bill was eloquently stated by Bishop Frank Rodimer of Paterson, NJ, speaking for the U.S. Catholic Conference:

> The right to strike without fear of reprisal is a fundamental right in a democratic society. The continued weakening of unions is a serious threat to our social fabric. We have to decide whether we will be a country where workers' rights are dependent on the good will of employers, or whether we will be a country where the dignity of work and the right of workers are protected by the law of the land.

In a competitive world, the United States will not have the luxury of long brutal strikes or of management tactics that displace skilled, committed, experienced, organized workers. We will need a new compact in the American work force, an honest effort to rebuild the trust between management and labor. As a first step toward trust we must take the most brutal and least productive tactic, the hiring or threat of hiring permanent replacement workers, off the table for good.

I understand how controversial this legislation is. I know that employers worry that it will lead to more strikes, but the economic decision to strike or not to strike remains the same for workers—a strike is a grueling, painful, scary, costly effort for workers and their families. It is never anything but a last resort. Our objective is to restore the balance between management and labor, not tilt it in another direction. America's workers have already waited too long for a fair balance to be restored.

Mr. KERREY. Mr. President, I rise in support of the motion to proceed to a consideration of S. 55, the Workplace Fairness Act, also known as the striker replacement bill.

As with too many issues today this one has been subjected to the polarizing rhetoric of opponents and supporters. Some opponents claim the legislation threatens the rights of State to enact legislation prohibiting provisions in contracts that make joining a union a condition of continued employment. Some supporters have likewise claimed that collective bargaining is at risk if this legislation does not pass.

Both of these extremes, bolstered in some cases by independent advertising campaigns, have made it difficult to engage in a calm, rational look at the state of current labor law. Unfortunately, this leads to a confrontation which is not needed at a time when U.S. manufacturing is staging such an impressive comeback against foreign competitors. In part the remarkable recent gains in productivity are a direct consequence of improved working relations between management and labor.

To be clear, Mr. President, neither the problem nor the legislation is an extreme as has been described. It is also fair to say that this legislation does more than its drafters claim and less than its detractors allege.

It does more than its drafters claim because it reaches beyond establishing a statutory right to return to work. It has a provision, which must be changed before I would vote for the bill, which may provide organizing leverage, something which is neither needed nor welcome.

It also does less than the claims of its detractors because it merely restores a right which existed in a de facto way prior to the 1980's. And, because a minority of firms engage in the practice of threatening permanent replacement, this legislation will by no means tilt the balance too far in the direction of labor.

This bill would simply amend the nearly 60-year-old National Labor Relations Act. Known as the Wagner Act, this law is the legal framework which guides labor-management relationships in the United States. The purpose of the Wagner Act is to guarantee that free and equal collective bargaining between labor and management determine conditions of employment. Under this act workers have the right to organize to select their bargaining agent and then to bargain collectively with their employers.

The Wagner Act created a Federal board to oversee this process. The National Labor Relations Board [NLRB], appointed by the President, has a range of statutory duties. The NLRB conducts elections to determine bargaining agents. It investigates charges of unfair labor practices. It issues cease-and-desist orders if employers or employees engage in any of the unfair labor practices listed in the Wagner Act.

The original act has been the subject of constitutional challenges and legislative amendments. The most notable and relevant of these were two Supreme Court decisions in 1938 and 1989, and congressional action taken in 1947.

The 1938 Supreme Court decision, Mackay Radio and Telegraph versus the NLRB, ruled that if a strike is deemed to be for unfair labor practices, the striking workers are entitled to full reinstatement upon their offer to return to work. If, however, the strike is for economic reasons, that is, related to terms and conditions of employment, the employer must only rehire striking workers when or if vacancies become available.

In spite of this decision employers refrained for decades from hiring permanent replacements. This restraint produced a situation in which workers did not need to seek a statutory change, because the companies presumed a right to exist.

However, in the late 1970's and 1980's things began to change. For a variety of reasons the practice of replacing workers during strikes which had an economic cause exploded. Today, employers use or threaten to use permanent replacements in one out of every three strikes. For workers who have lost their jobs during a strike the distinction between "permanently replace," which is allowed, and "discharging employees for engaging in a lawful, strike," which is not allowed, is meaningless.

Still, the arguments for and against this legislation are entirely too strident. To illustrate how the need for this legislation is often over stated, the fact that one-third of employers threaten permanent replacement means that for two out of three strikes no such threat occurs. Likewise, those who claim this is a dangerous, costly and anticompetitive shift in labor law do not point out that none of our principal economic competitors—Japan, Germany, and France—allow permanent replacements.

The 1989 Supreme Court decision, TWA versus Independent Federation of Flight Attendants, added fuel to the fire for a change in the law. This decision extended the Mackay ruling further. The Court held that those employees who cross the picket line to return to work must not be discharged to make room for strikers who have more seniority than those crossover employees and who wish to return to work when the strike is settled.

The relevant congressional action in 1947 is the Taft-Hartley Act. The objective of this act was to give management more power in labor-management relations. At the time, the balance of power had tilted too far in favor of organized labor under the NLRB.

Taft-Hartley listed a number of unfair labor practices by unions, which the NLRB could investigate and prohibit if necessary. The most important was any provision in a labor-management contract that made joining a union a condition of employment. After Taft-Hartley became law, many States—including Nebraska—passed right-to-work laws stating that an employee could not be required to join a union as a condition of employment.

The Workplace Fairness Act does not repeal the prohibitions spelled out in Taft-Hartley. Representations to the contrary are little more than attention getting antics.

Instead, the Workplace Fairness Act continues the balanced effort of all Federal labor legislation since the 1930's. That is, it protects the right of workers to organize and bargain collectively while being protected from threats to eliminate their jobs if they engage in a lawful strike.

Mr. President, this is a time when America needs work places where a spirit of cooperation and collaboration exist. We need policies which will reduce the adversarial climate between workers and management. The Workplace Fairness Act—if amended in the manner I described earlier—does exactly that, and deserves to become law.

CLOTURE MOTION

The PRESIDING OFFICER (Mrs. MURRAY). The hour of 10 o'clock a.m. having arrived, under the previous order the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 162, S. 55, a bill to amend the National Labor Relations Act to prevent discrimination based on participation in labor disputes.

Edward Kennedy, John Glenn, Barbara Boxer, Carl Levin, Russell D. Feingold, Ben Nighthorse Campbell, Carol Moseley-Braun, Jay Rockefeller, Pat Leahy, Don Riegle, Paul Simon, Daniel K. Akaka, Bob Graham, Howard Metzenbaum, Paul Wellstone, and C. Pell.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 55, the Workplace Fairness Act, shall be brought to a close? The yeas and nays are required.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Georgia [Mr. COVERDELL] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 53, nays 46, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—53

Akaka	Feinstein	Mikulski
Baucus	Ford	Mitchell
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Hatfield	Pell
Breaux	Heflin	Reid
Bryan	Inouye	Riegle
Byrd	Johnston	Robb
Campbell	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
D'Amato	Kerry	Sasser
Daschle	Kohl	Shelby
DeConcini	Lautenberg	Simon
Dodd	Leahy	Specter
Dorgan	Levin	Wellstone
Exon	Lieberman	Wofford
Feingold	Metzenbaum	

NAYS—46

Bennett	Gorton	McConnell
Bond	Gramm	Murkowski
Boren	Grassley	Nickles
Brown	Gregg	Nunn
Bumpers	Hatch	Packwood
Burns	Helms	Pressler
Chafee	Hollings	Pryor
Coats	Hutchison	Roth
Cochran	Jeffords	Simpson
Cohen	Kassebaum	Smith
Craig	Kempthorne	Stevens
Danforth	Lott	Thurmond
Dole	Lugar	Wallop
Domenici	Mack	Warner
Durenberger	Mathews	
Faircloth	McCain	

NOT VOTING—1

Coverdell

The PRESIDING OFFICER. On the vote on the motion to invoke cloture to proceed to consider S. 55, the yeas are 53, the nays are 46. The three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. HATCH. Madam President, I move to reconsider the vote.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, if I could just say a few words, and they will be very few, we have had a lot of debate, 3 days, on this issue and I want to express a word of appreciation for the leadership of our distinguished Labor Committee ranking member, Senator KASSEBAUM, and her staff, Ted Verheggen and Steve Sola.

Also, there have been citizens, both workers and business people, all over America who have taken a sincere interest in this bill. We are not talking about big time lobbyists. We are speaking of small business people in restaurants, warehousing, convenience stores, manufacturing, and every other kind of endeavor, and every kind of employee and employer.

Madam President, the opposition to this legislation was a grassroots initiative. It was grassroots propelled.

Our opposition is always tough, and I wish to congratulate them, especially Senators METZENBAUM and KENNEDY, for their hard-fought battle. Their staffs, while fighting hard, were always cordial and professional, and for that I would like to thank Sarah Fox, Beth Slavet, and Greg Watchman, three great staff people here on Capitol Hill.

And again, I wish to pay tribute to my distinguished friend from Ohio. No one fights harder for his beliefs than HOWARD METZENBAUM. I have been on his side and on the opposite side many times over the last 18 years. We came to the Senate together. There are very few people I respect any more than I do him. I do not agree with him very often, but I do respect him and I want him to know that, and I would feel badly if he did not.

Finally, I want to thank Sharon Prost, who, in my opinion, is the best labor lawyer in the Senate. She has been of inestimable help to this side on this matter, always fair, always decent, and a terrific human being. She knows the laws, but she also knows the burdens that American workers carry. I appreciate the efforts that she has given. And, of course, Kris Iverson as well, my assistant legislative director, who always does a good job.

I wish to thank all of our colleagues on both sides of the aisle. I appreciate their contributions in this particular debate.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Madam President, once again, I appreciate the kind comments of the Senator from Utah. Indeed, he and I have battled together in the Chamber on any number of occasions, and so often he is wrong. Too often he wins. But I respect the fact that he does his job and does it well. Indeed, he is very much helped by Sharon Prost of his staff, and there are other staffers who have been extremely helpful in our deliberations: Ted Verheggen of Senator KASSEBAUM's staff, Steve Sola; Sarah Fox and Beth Slavet of Senator KENNEDY's staff; Senator WELLSTONE's staff, Colin McGinnis; and last but certainly not least, Greg Watchman of my own staff who has given so much of his time and effort here on the floor.

Madam President, let me conclude my remarks by saying the majority of the Members of this body want to pass S. 55. They indicated that yesterday. They indicated that today. I hope to find an opportunity before this session concludes to offer S. 55 as an amendment to a pending piece of legislation which those on other side, who have been successful in not bringing this matter to a vote, very much want to bring to the floor and to pass.

We have used the procedure in the past. Senate rules are very unusual rules. Senate rules make it possible to filibuster a measure in this manner so that it could not come to the vote. But the Senate rules also offer free and open opportunity to offer amendments to any piece of legislation, whether or not it is relevant to that legislation, unless there is some specific order precluding that.

I hope to find such an opportunity and, if so, S. 55 may be alive and well before we conclude this session.

At this time, it is an uphill battle, but we will look for that opportunity.

Madam President, I yield the floor.

Mr. HARKIN. Madam President, let me thank the Senator from Ohio for his courageous leadership, not just on this bill but his courageous leadership on issues affecting the working people of this country.

As I have said before, the bill that we cannot seem to get up for a vote, S. 55, is not a prolabor bill. It is a procompetitive bill. It is a pro-American bill. And, yes, it is a pro-working-family bill.

The Senator from Ohio has tirelessly worked for all of his years in the Senate on behalf of working people in this country. There is not a better friend that working people, union and nonunion, have in this entire country than HOWARD METZENBAUM.

I had hoped we could get over this filibuster. As Senator METZENBAUM said, we have the votes to pass it, no doubt about it. We have the votes to pass this bill. The House passed it. The House of Representatives passed it by a considerable margin. And the votes are here to pass it. I had hoped we would pass this as a fitting tribute to his many years of service in the Senate and his service to the working people of this country.

This is a dark day, indeed, Madam President, for the American worker and, I believe, for management. I think that what is happening in this country today is not just bad for our workers; it is bad for our management; it is bad for business in this country, because what is happening is we are eroding the middle class in America.

In the debate on this bill a couple days ago, I quoted from the Business Week magazine. Business Week is not a journal of the labor unions. In the May 23 issue, 1994, there was an article "Why America Needs Unions." Some disturbing facts were brought out in the Business Week magazine—I thought I might just repeat them here today—about what is happening in this country with the middle class.

Business Week pointed out: "But it's clear who prospered in the 1980's. The rent dividends and interest that owners of capital earned jumped 65 percent. Wages and salaries including white collar ones grew only 23 percent." Working people falling behind. And furthermore, what is happening in the labor force? Business Week went on and said: "For instance, employers illegally fired 1 of every 36 union supporters during organizing drives in the late 1980's"—1 out of every 36 were fired—"versus 1 out of 209 in the 1960's."

Unlawful firings occurred in one-third of all representation elections in the late eighties versus only 8 percent in the late sixties. Even more significantly than the numbers is the perception of risk among workers who think they will be fired in an organizing campaign, according to a prominent Harvard law professor.

Again, what is happening, Madam President, is that this so-called right to strike in this country is a hollow right. There is no real right to strike because, if you strike, you are permanently replaced. And, if there is no right to strike, then there is no right to bargain collectively. And, if there is no right to bargain collectively, then there is no level playing field. There is not a partnership between management and labor.

So what this vote signifies is that we are going to continue down that road of more confrontation between labor and management, more erosion of wages, and more erosion of the middle class in this country. That is really what this bill is about. It was a middle-class bill to support the middle class.

I am just sorry that we could not get over the filibuster to get to the merits of the bill itself. I am heartened by what the Senator from Ohio said, that he is not giving up. Well, I have never known HOWARD METZENBAUM to give up. He is a true fighter. I am heartened by what he said—that he will try to find some other bill to attach this to on which we can get a true vote sometime later this year.

So I take the floor not to extend the debate any further. I have had my say

on this bill prior to the vote. I know the Senate wants to get on to other business. But I take the floor to compliment and to thank my good friend, Senator HOWARD METZENBAUM, for his leadership; to thank Senator KENNEDY for his leadership on this issue; and to again say that we have not given up. This is not the end of this. I will do whatever I can to support Senator METZENBAUM in whatever efforts he may come up with later this year to attach this bill.

I also take the floor at this time, Madam President, to urge the President of the United States, this administration, to get more forcefully behind this legislation, to do just a little bit of what it did to get NAFTA passed—I happened to have voted for NAFTA—to just expend a little more energy and a little more effort to get this striker replacement bill through, because it is in the best interests of this country.

Lastly, Madam President, I never told this story on the Senate floor before. I mentioned it in the caucus the other day. But I just want to make it clear why I am not giving up on this issue, and why I will never give up on this issue. And it is very personal. Unless you have been through one of these strikes where workers have been replaced and have seen what it has done to their families, you cannot really understand what is happening in America today. You can read about it. You can read all the statistics and figures, whether it is in Business Week, or whatever. But unless you really have lived through it, you cannot really understand it. It happened in my own family.

My brother, Frank, was a union man. He worked for 23 years for a company in Des Moines, IA; 23 years of the best years of his life. The first 10 years he worked there, he did not miss 1 day of work, and he was not late once. In 23 years, he only missed 5 days of work because of blizzards in Iowa. He could not make it to work. He got all kinds of awards for productivity.

In those 23 years, that plant never had one strike and never had one work stoppage. They would sit down and negotiate the contract. This was the United Auto Workers. They would sign it. They would move on. They had a well-motivated, well-trained work force. The company made money.

Finally, the owner of the company decided to sell the company and retire. He sold the company to a group of investors. They took over this company, and one of the new owners openly bragged that, "If you want to see how to get rid of a union, come to Delavan, and we will show you how."

The contract time came up. Of course, what did management do? They had a legal right. They put forward conditions under which labor could not agree. They held to that position, which is their legal right to do. So the contract was not signed, and the union went out on strike for the first time in over 23 years; the first time ever, as a matter of fact, that this plant had ever been struck since it was organized back in the 1940's. They went out on strike.

The management immediately brought in the replacement workers, and kept them there for a year. It was a long, bitter strike. After 1 year, under labor law, they had a decertification vote. Who votes to decertify the union? The workers who are there, the replacement workers. They voted to decertify the union because they did not want to lose their jobs. The union was decertified.

My brother, after 23 years, was out; 54 years old, and out, after working for this company for 23 years. As I said, in 23 years, he only missed 5 days of work. He gave them the best years of his life. And he was not alone. There were a lot of workers like that in this plant. A lot of people there worked 20 to 25 years. He was one of the more senior at the time. But obviously, the new owners knew that they could get rid of these people and hire younger people, and pay them less; and, thus, as Business Week pointed out, increase their profits and dividends to their shareholders. I understand that. But it was at the expense of all these families.

As I mentioned, this was a manufacturing facility of machine tools. Out in back of the Delavan building is where they had their trash piles, their tailings, and things like that.

I will never forget what my brother said to me. He said, "You know, I feel like I am just a piece of machinery. They used me up. They depreciated me down, and they threw me out the back door on that trash pile."

I did not mention one other thing. My brother is disabled. Where does a 54-year-old deaf man find a job? It is pretty tough. After giving the best years of his life, they just threw him out. As I said, he was not alone. I knew a lot of the other families in the same situation, trying to start over a new life again in their midfifties.

Not only did it destroy them—and I do not think my brother today has gotten over it, and neither have a lot of the other workers and their families. Not only did it destroy them, but it sent shock waves throughout the entire community. It put a damper on any kind of union organizing activity. It sent a strong signal that you cannot stick up for your rights. You cannot bargain collectively because, if you go out on strike, you are done.

So it demoralized the work force, and I believe that this huge increase that we have had in replacement workers in this country is demoralizing our work force. It is cutting down on productivity. It is destroying worker motivation. I saw it firsthand.

When I stand here after this vote and say that I am not giving up, I just want my fellow Senators to understand why I am not giving up on this issue. I will fight for this until the day I die, because I believe it is that important to this country. They do not hire permanent replacement strikers in Canada; they do not do it in Japan; and they do not do it in Europe. Only in this country.

So I think it is time that again we rededicate ourselves to this. I am not giving up. I know the Senator from Ohio is not giving up, and I will be by his side in this battle and do everything I can to support him. We have to find any vehicle we can to attach this to this year. It is too important to sweep under the rug. It is too important for the working families of America.

So, Madam President, I just wanted to take these few minutes after this vote, I guess, maybe to vent my frustration a little bit, but to also let Senators know why this Senator is not giving up the battle for justice for the working people of this country.

I yield the floor.

Mr. CAMPBELL. I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. CAMPBELL. I thank the Chair.

(The remarks of Mr. CAMPBELL pertaining to the submission of a resolution are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. EXON. Madam President, I ask unanimous consent that I be able to proceed as in morning business for about 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

NATIONAL LABOR RELATIONS ACT AND RAILWAY LABOR ACT AMENDMENTS

Mr. EXON. Madam President, I rise today to discuss the striker replacement issue. It has been laid to rest at least for this year. But we have to look to the future. We have to continue to discuss what is right and what is wrong, what can be accomplished and what cannot be accomplished. I simply say that this is a time for reflection. This is a time for all of us on the floor of the Senate on both sides of the issue to realize and recognize that this issue is not going to go away.

I salute the Senator from Ohio and the Senator from Iowa and others who have taken a leading role in this issue. I hope that the remarks that I am making might have a receptive ear in the Labor Committee, so that they might begin to work toward a compromise proposal that can address what I feel are the legitimate issues that

have been advanced by the majority of the U.S. Senate and a majority in the House of Representatives—that something must be done on this issue other than sitting back and saying no, no, a thousand times no, no changes whatsoever.

I strongly agree with the bill's fundamental premise, and I continue to support the concept. But today I would like, in a few moments, to try to place some of this in perspective in accomplishing something in the future.

It pains me to see and hear much of the same old invective on this issue. The question on the use of permanent replacement workers has been a lightning rod, attracting virulent opposition from those spouting the worst-case scenarios, which seldom come to pass. The issue has, in some instances, been twisted into a type of referendum on the labor movement. The issue is not whether we like organized labor or not; the issue is whether we believe in the fundamental fairness of the long-standing structure of Federal labor law which allocates the rights and responsibilities of labor and management in this country.

I think it is true, if we look back in history, Madam President, to see that, as is frequently the case, the pendulum swings way far to the right and way far to the left. I would hope that with the attitudes of this Senator from Nebraska, and others, we can bring that pendulum swinging in the middle ground rather than far to the right or left.

Throughout my years, I have had experiences on both sides of the labor-management line. That is why I believe that the best thing that the Federal Government can do is to construct a fair system of labor and management and then to step out of the way. That is why I also believe that it is time to do some essential maintenance to that structure and repair one of the pillars that has rotted, I suggest, from neglect. Even though both labor and management have rights and responsibilities under the Federal law, labor's right to strike has been weakened and is no longer structurally sound. Many think that is exactly the way it should be. I suggest that the advancements in this country over the years, our standard of living, the world position that we have as the only remaining superpower, the good life that we all enjoy, is a combination of the efforts of management, business, and the capital that they put into the free enterprise system, along with the skills of the laboring people of the United States of America.

It is true, then, that both labor and management have rights and responsibilities. The Federal law previously has tried to dictate that. Labor's right to strike has been weakened beyond any reasonable interpretation of that right. There are some, however, who care little about whether that pillar of the right to strike is sound, because they would rather see the entire structure collapse. I reject that mindset, and I reject those destructive tactics and motives.

Madam President, the use or threat of use of permanent replacements is a massive rock that looms over the bargaining table, threatening to crush negotiations and to scatter support for labor. Tell me what a worker is supposed to do when an employer presents no feasible offer, pushes a union to the brink, and then places ads for permanent replacement workers, sometimes even before the strike takes place? How will that worker vote on a strike vote when the employer refuses a union's offer? Meager strike pay will soon be depleted, the family is relying on a single health plan, the worker will be immediately replaced, or possibly immediately replaced, if he or she does indeed go out on strike, and employers can dangle bonuses to entice strikers to leave the picket line? Is it any wonder that the business community, not all of it but parts of it, has worked so feverishly to bottle up and destroy this bill and maintain the upper hand that they have now that they are enjoying?

I have heard many arguments against this bill. Nonunion businesses have said, even though the bill does not apply to them, that any strike along the chain of distribution would kill the entire chain. Specialized businesses have said that they could not recruit skilled temporary workers, even though that difficulty often is not reflected in their efforts to retain their skilled union workers. Other businesses speak about the sense of obligation that they feel to their workers, not to the strikers, but to the newly-found replacements. Some companies even seem to be seeking a Federal guarantee that they will never be struck under any circumstances.

Madam President, I do not think there is any question but what cases can be cited, and rightfully so, of the abuse of the strike by some unions. That is not to say that just because of that, though, we should, in effect, eliminate the right to strike which has long been recognized as an important segment and part of the collective bargaining process.

Madam President, the House has passed a bill. The Senate has the votes, obviously, to pass the bill. The Senate just does not have the votes to bring the bill to the floor to a vote.

Had we been successful in ending the filibuster it was this Senator's intention to offer an amendment that I thought might have brought all the warring parties together so that we could have gotten 50 votes to pass some kind of a revised, moderated bill.

Madam President, I have always tried to bring a little pragmatism from the plains of Nebraska into my work in the Senate. Even though both sides have been firmly entrenched on this issue, I have always felt that there is some middle ground and that it was certainly possible to construct a workable solution. I put forward an idea over the last several months that I believe could have broken the impasse and deflated the filibuster.

I do not believe, Madam President, that unions should have a free hand to break a business by striking forever. That makes no sense for business or labor. It is time for reason and a workable compromise.

I have called for a modification to the bill which would have created a short-term ban on permanent replacements, say 60 days, or something in that area. After that time permanent replacements could be phased-in over several months until an employer could have a work force made up entirely of permanent replacements, say, possibly in a year or so.

I believe the phase-in would be less disruptive than an all-or-nothing deadline that has been sought by both management and labor today. I believe also that it retains the fundamental premise of the bill, curtailing the big hatchet of permanent replacement, while retaining all the other means by which an employer can respond to a strike, including even good faith bargaining.

My approach also provides an incentive for both parties to get back to the bargaining table. An employer has an immediate incentive to bargain. Unions, however, know that with each passing day their position is being undermined by more permanent replacements and that the clock continues to run.

In closing, Madam President, just let me say that even though I feel that this gradual phase-in approach may have provided a solution, I regret to say that the idea did not catch on because the two sides were involved in trench warfare, neither really seeking a workable compromise, both wanting to have the vote count, to see who voted how, on an issue for whatever purpose that might later be used.

The current state of labor law in this country is decidedly in favor of management. That was my earlier reference to the pendulum swinging back and forth. I think at one time the laws of the United States of America swung too far to the labor side. Obviously, that is not the case today as a result of the recent votes that we had on this issue yesterday and again this morning.

I do not fault labor nor do I fault management for fighting to keep their advantage. That is understandable. We in the Congress of the United States, though, should look at ourselves as more of a referee to try and work out something constructive rather than just choosing sides between labor and management.

I look forward to the day when the business community will tire of its efforts to break the back of labor and direct its resources into cooperative efforts with labor. Our business community has more important things to do, like staying competitive in a global economy, than being preoccupied with excoriating labor.

Madam President, likewise I say to the labor movement in the United States of America that they likewise have a responsibility, and I do not place all of the blame for this impasse on management. I say that to those in labor and I say that to those in management, with hope that they could come to recognize that the long-term interest of the United States of America, their businesses and their unions, must come to a place where we work together in cooperation, not one continuing to try to outdo and get an upperhand on the other.

Madam President, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Under the previous order the motion to proceed to S. 55 is withdrawn.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 4426, the Foreign Operations appropriations bill, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

The Senate resumed the consideration of the bill.

FIRST EXCEPTED COMMITTEE AMENDMENT, PAGE 2

The PRESIDING OFFICER. The question pending before the Senate is the first excepted committee amendment on page 2.

The Senator from Vermont.

Mr. LEAHY. Madam President, would the Chair restate what the full unanimous consent agreement is? Actually, will the Chair restate the part of the unanimous-consent agreement referring to the introduction of amendments on this bill by a time certain.

The PRESIDING OFFICER. Under the previous order, all listed amendments must be offered by 6 p.m., Thursday, July 14, 1994.

Mr. LEAHY. Thank you.

Madam President, obviously everybody has until Thursday evening at that time to offer an amendment. Certainly, this is not a case where we are asking Senators to come in and offer amendments for the sake of offering amendments because I am sure we would like to go forward with this.

Mr. McCONNELL. Mr. President, as the foreign operations bill proceeds, I intend to offer a number of amendments that address U.S. assistance to the New Independent States, the Baltics, and Eastern Europe. Several of these are amendments which are cosponsored by Chairman LEAHY. Before we proceed, I wanted to take a few minutes to clarify why I feel specific congressional direction is necessary in the management of these resources.

For the better part of the past year, Senator LEAHY and I have worked with the administration to define clear goals, projects, and activities for the $2.5 billion NIS Program. It would be fair to say, Mr. President, this process has not been without its problems. But the administration has largely worked in good faith to address the various and many issues that continue to surface.

A year into this effort, I think there are two areas where the programs are simply not meeting requirements, either identified in last year's legislation or as they have emerged over there on the ground.

Last year, we made every effort to establish the importance of respect for territorial integrity and national sovereignty as criteria for receiving American aid. In other words, Mr. President, in last year's bill, there were provisions included that suggested that our assistance to Russia should be contingent upon Russia respecting the territorial integrity of the newly emerging states. That was a central factor in last year's foreign operations bill.

At the time—again looking at last year—Russian troops were offering training, equipment, and logistical support to rebels attempting to overthrow the Shevardnadze government. That is what was going on as we debated this bill last year. The Russians were offering training, equipment, and logistical support to rebels attempting to overthrow the Shevardnadze government in Georgia. In deference to Russian interests, the administration essentially refused all pleas for assistance from the Georgians. Ultimately, in the aftermath of that, Shevardnadze had asked Yeltsin to call off the dogs of war, and a very tentative truce has been the situation since.

Georgia is but one example of my concern about the undue and unchallenged Russian influence in the former Soviet Union and, for that matter, in Europe as well.

In April, a secret decree signed by Yeltsin was publicized revealing Russian plans to establish military bases throughout that whole region—not just within Russia but throughout the whole region.

As you can imagine, this was particularly disturbing to Latvia and Estonia, both engaged at that time in troop withdrawal talks with Russia. I doubt either nation was comforted by Yeltsin's declarations just this week at the wrap-up news conference.

At the G–7 meeting, standing side by side, Presidents Clinton and Yeltsin were asked specifically about troop withdrawals from Estonia. Clinton predicted all troops would be withdrawn by August 31. That was just this week. President Yeltsin, standing right beside him at the press conference, when asked the same question said, and I quote: "This is a good question. The answer is no."

In other words, President Clinton said the troops would be out by August 31, and President Yeltsin, standing right beside him at the same press conference, said they will not be out by August 31.

It is my intention to address the situation in the Baltics and Central Europe with specific amendments. I think the security concerns of Russia's neighbors merit both our attention and appropriate response.

The second area where there are shortcomings in the administration's strategy bear on the future of economic reforms and market principles. Here, again, last year's legislation linked U.S. aid to establishing economic reforms, market principles, respect for commercial contracts, and repayment of commercial debt.

The administration has emphasized mass privatization and points to the fact that more than 15,000 enterprises have been transferred from State to private hands.

Now, at first blush, Mr. President, these are impressive statistics. However, in a series of briefings, several problems have emerged, the chief one being there is essentially no monitoring system in place to evaluate this privatization process. No one really knows who now owns these businesses. No one is willing or able to answer the question: Have we created a system which facilitates criminal organizations' opportunity for ownership? A very important question.

It is also clear that we are only in the first stages of privatization in that the state continues to subsidize operations by offering a range of services from free utilities to providing equipment and parts. So even though these may be by some definition private enterprises, they are still receiving substantial subsidies from the government.

Now, the effort to privatize is obviously essential to further economic growth, and we all hope it will succeed. But the program seems to be operating in a vacuum, without adequate official attention to the legal and commercial framework necessary to sustain the private sector. The serious crime problems Senator LEAHY and I observed in Moscow last summer are now threatening prospects for continued reforms. Crime and corruption may risk an antimarket and an antidemocracy backlash which does not serve either United States or Russian interests.

For this reason, I plan to offer a number of amendments which address

commercial law and law enforcement matters. This assistance and focus is long overdue.

And I might say, Mr. President, just this morning I spoke with the FBI Director, Judge Freeh, about his present trip not only to Russia but to the Ukraine and other countries in the area, including the former Warsaw Pact countries, about the extent of the criminal problem in Russia. We may have a crime problem here, but it pales in comparison, Mr. President, to the crime problem inside Russia.

A number of these organized criminal organizations operate not only within Russia but in other countries, not only in that area but some operating here in the United States. So the Russians have an enormous problem with crime, almost a meltdown situation. This is something that we probably cannot have an enormous impact on, but we need to help. I commend the Director of the FBI for the effort he is making, and I will have a couple of amendments that will help assist him in that process.

Mr. President, this is clearly a transition year for Russia and for the Republics. We have scaled back direct U.S. aid with the hope that the emerging private sector will take off and generate jobs, income, growth, and economic security.

I continue to being committed to seeing this historic transition through to a successful conclusion. My choosing to attempt to earmark and target aid reflects my continued interest in assuring that the program succeeds.

My differences with the administration, although strong, are a matter of emphasis and priority and should not be confused as a lack of support for Russia, Ukraine, Armenia, Georgia, or any of the other nations in that particular area of the world as they seek independence and prosperity.

Let me conclude my opening statement by expressing my appreciation to the Administrator of AID who has recognized the interest of the subcommittee in this region and has agreed to provide supplementary presentation materials for the fiscal 1995 budget cycle. Mr. Atwood has brought about significant changes in the management of foreign assistance which has increased the confidence of this Senator and I think many others in his Agency and in his activities.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THURMOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LEAHY. I object.

The PRESIDING OFFICER. Objection is heard.

The bill clerk continued with the call of the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I know the distinguished senior Senator from South Carolina is seeking recognition. If we could have just one moment, I have a couple of housekeeping things that I mentioned to him I wanted to take care of.

AMENDMENT NO. 2125, AS MODIFIED

Mr. LEAHY. Mr. President I ask unanimous consent that amendment No. 2125, which was previously agreed to, be modified. I send the modification to the desk and ask the modification be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 2125), as modified, is as follows:

On page 112, between lines 9 and 10, insert the following new section:

PROHIBITION ON PAYMENT OF CERTAIN EXPENSES

SEC. . None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation) not provided in conjunction with Informational Program trips where students do not stay at a military installation; or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

Mr. LEAHY. Mr. President, I ask unanimous consent that the pending committee amendments be set aside so that I may offer the following technical amendments, and that they be agreed to and they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2238

(Purpose: To make technical corrections to the bill)

Mr. LEAHY. Mr. President, I send the amendments to the desk.

The PRESIDING OFFICER. The clerk will report the amendments.

The bill clerk read as follows

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 2238.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 89, line 12 of the Committee reported bill, strike "in" and all that follows through "Act" on line 16 and insert in lieu thereof:

On page 99, line 11 of the committee reported bill, after "country." insert: "The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961."

On page 10, line 1 of the Committee reported bill, after the word "activities" insert: "notwithstanding any other provision of law".

Mr. LEAHY. Mr. President, I believe these amendments have been agreed to on both sides.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. We have taken a look at these amendments Mr. President, and they are fine.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 2238) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, we have both managers of the bill on the floor now. I know the Senator from South Carolina is seeking recognition. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. THURMOND] is recognized.

AMENDMENT NO. 2239 TO THE FIRST EXCEPTED COMMITTEE AMENDMENT ON PAGE 2, LINES 12 THROUGH 21.

(Purpose: To express the sense of the Senate regarding creation of the World Trade Organization and implementation of the Uruguay Round Agreements)

Mr. THURMOND. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] for himself and Mr. PRESSLER, Mr. HELMS, and Mr. CRAIG, proposes an amendment numbered 2239 to the first excepted committee amendment on page 2, lines 12 through 21.

Mr. THURMOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

To the first committee amendment, at the end of the amendment insert the following:

SEC. . SENSE OF THE SENATE ON URUGUAY ROUND IMPLEMENTATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States recently signed the Uruguay Round Agreement which included among its provisions the establishment of a new supranational governing body known as the World Trade Organization (hereafter in this section referred to as the "WTO").

(2) The legislation approving fast track authority and giving the executive branch negotiators specific objectives did not authorize the elimination of the current General

Agreement on Tariffs and Trade structure and the creation of a new, more powerful world-governing institution.

(3) The Congress has the constitutional prerogative to regulate foreign commerce and may be ceding such authority to the WTO.

(4) The initial membership of the WTO is 117 nations. The United States will have only one vote and no veto rights in the WTO.

(5) The single vote structure will give the European Union the capacity to out vote the United States 12 to 1. It will also give the island nation of St. Kitts, with a population of 60,000, the same voting power as the United States.

(6) The United States will have less than 1 percent of the total vote, but will be assessed almost 20 percent of the total cost of operating the WTO.

(7) The one vote-no veto structure of the WTO will increase the power of nations, which are not democracies and do not share our Nation's traditional notions of capitalism and freedom.

(8) Any United States law can be challenged by a WTO member as an illegal trade barrier and such challenge will be heard by a closed tribunal of 3 trade lawyers.

(9) The United States must eliminate any law that a WTO tribunal finds to be in conflict with the trade rules of the WTO or the United States will face severe trade sanctions.

(10) The WTO would effectively set the parameters within which United States Federal, State, and local legislators can maintain or establish domestic policy on the broad array of issues covered under the nontariff provisions of the WTO.

(11) State officials have no standing before WTO tribunals even if a State law is challenged as an illegal trade barrier.

(12) The WTO would require the United States Federal Government to preempt, sue, or otherwise coerce States into following the WTO trade rules which the States did not negotiate and to which they are not a legal party.

(13) The Attorneys General from 42 States have signed a letter to the President expressing their concern over States rights under the WTO and have asked for a summit to discuss these issues.

(14) WTO decisions could result in shifts in State and local tax burdens from foreign multi-national corporations to American businesses, farmers, and homeowners.

(15) Under pay-as-you-go budget rules, the revenue losses from tariff reductions must be offset over a 10-year period.

(16) The Congressional Budget Office has estimated that such tariff reductions will cost approximately $40,000,000,000.

(17) When the United States joined other supranational governing bodies, the United States retained rational precautions, such as a permanent seat on the Security Council and veto rights in the United Nations, and a voting share in the International Monetary Fund that is commensurate with its role in the global economy.

(18) The WTO Agreement prohibits unilateral action by the United States including action against predatory and unfair trade actions of other member nations.

(19) The dispute settlement mechanisms to be used by the WTO will be conducted in secret and in a manner that is not consistent with the guarantees of judicial impartiality and due process which characterize the United States judicial tradition.

(20) The WTO Agreement is already resulting in substantial changes and erosion of existing United States law.

(21) Neither the United States Congress nor the American people have had an opportunity to analyze and debate the long-term impact of United States membership in the WTO.

(22) Traditionally the United States has entered into international obligations that impact on domestic sovereignty and law and that have the legal stature and permanence that the WTO has, by using treaty ratification procedures.

(23) The United States Senate rejected, on sovereignty grounds, executive branch attempts to secure ratification of a similar supranational organization known as the International Trade Organization when it was offered repeatedly between 1947 and 1950. The Organization for Trade Cooperation was rejected by the Senate in 1955.

(24) Under the rules of fast track, the United States Senate cannot change or amend provisions creating the WTO and is limited to 20 hours of debate.

(b) POLICY.—It is the policy of the Senate that—

(1) a task force composed of members of Congress and the executive branch be established to study and report to the Congress and the President within 90 days on whether the provisions creating the World Trade Organization should be treated as a treaty or an executive agreement, and

(2) a 90-day period be allowed before the introduction of the Uruguay Round implementation legislation and that during that period additional Congressional hearings be held to consider the full ramifications of the United States joining the WTO, including the impact that joining the WTO will have on State and local laws.

Mr. THURMOND. Mr. President, I rise today, along with the Senator from South Dakota [Mr. PRESSLER], the Senator from North Carolina [Mr. HELMS], the Senator from Idaho [Mr. CRAIG], to introduce a sense-of-the-Senate resolution concerning the Uruguay round of the General Agreement on Tariffs and Trade [GATT]. This resolution outlines several concerns that many members have with the final text of the GATT.

As the clerk has just read, many of these concerns regard the creation of the new world trade governing organization called the World Trade Organization [WTO]. The WTO is intended to be the arbitrator of trade disputes between signatory countries. The WTO has two main components: the ministerial conference and the general council. The ministerial conference will meet every 2 years and will receive decisions on matters covered by trade agreements. The general council will govern the WTO on a daily basis. Also established under the general council are several committees to review and make recommendations on more specific issues such as balance of payments, dispute settlements, and specific sectors of trade.

The dispute settlement body, which is established under the direction of the general council, will be the ultimate arbitrator of trade disputes. The decisions handed down by the WTO will be voted on by the member countries. Each country gets one vote and, except for some cases, a majority vote rules. While the WTO has been described as a United Nations of trade, the United States will not have veto power over its decisions. All decisions are final.

The United States will have four choices of action if the WTO rules against our country. We can either: First, leave the WTO; second, pay tariff penalties to other countries; third, not enforce our domestic laws; or fourth, change our laws to comply with the WTO ruling. Most of the Federal, State, and local laws that would be contested have been enacted to protect our workers and our environment. I fail to say why we need a new supranational organization to control trade.

Mr. President, in the Omnibus Trade and Competitiveness Act of 1988, which outlined the overall objectives of our trade negotiations, there is no mention of creating a world governing body to administer trade disputes.

Mr. President, I would like to read the article titled "U.S. Mustn't Dawdle on the Trade Pact" from the International Herald Tribune as written on April 26, 1994. It reads:

Now that the world's biggest-ever trade agreement has been signed and sealed in Marrakesh, it is time to get it through the U.S. Congress, and the sooner the better.

Already some dangerous ideas about the trade pact are afoot on Capitol Hill. The longer the agreement remains unratified, the more vulnerable it will be to protectionist pressures.

Administration officials insist they will do everything necessary to ratify the pact, the fruit of seven years of arduous negotiations in the Uruguay Round. They say that President Bill Clinton is fully committed to the cause.

But it is not clear the administration has learned the lessons of last year's near fiasco over the North American Free Trade Agreement, saved only by a bout of last-minute political arm-wrestling by Mr. Clinton.

The administration's biggest mistake over NAFTA was complacency—underestimating the opposition and leaving its drive to win approval far too late. As a result, last-minute waverers squeezed a lot of promises out of Mr. Clinton that he would have been better off not making.

This time there is much less organized opposition, but that could change as November's mid-term elections draw closer.

Congress is by no means yet committed to the Uruguay Round and its schedule is already overloaded. The committees responsible for the trade pact also happen to have jurisdiction over the two biggest pending items of domestic legislation—health care and welfare reform.

Some major misconceptions need to be nipped in the bud. One is that it does not matter if the implementing legislation is put off until next year.

Yes, it does. Delay will increase the chances of the pact being blown off course—perhaps by a major new trade dispute with Japan, China or even Canada.

Another mistaken impression is that the agreement can still be changed. Many Republicans think they can tighten up lax rules on subsidies, while some in both parties are demanding greater scope for unilateral U.S. action.

The House Republican whip, Newt Gingrich, even wants to cut out the part of the

agreement establishing the World Trade Organization, which he regards as a sinister organ of world government that will ride roughshod over American interests.

But U.S. agreement to the World Trade Organization was an integral part of the Uruguay Round compromise. There is no way of reopening the negotiations now. Under the fast-track procedure in force for the treaty, Congress must in any case vote 'yes' or 'no' on the whole pact at once.

It is true the WTO means a loss of congressional sovereignty. But that will be no bad thing if it clips the wings of Capitol Hill's powerful protectionists. It will actually be good for the United States to be overruled by the world organization when Washington tries to take politically motivated action against other countries' exports.

Where the debate enters the world of Alice in Wonderland is when it gets to how to pay for it all.

Under U.S. budgetary rules agreed in 1990, Congress must find ways to offset the revenue lost from the Uruguay Round tariff cuts, which could amount to nearly $14 billion over five years or perhaps $40 billion over 10 years.

Mr. President, I want to repeat that. I would like the able Senator from Kentucky to especially hear this.

Under U.S. budgetary rules agreed in 1990, Congress must find ways to offset the revenue lost from the Uruguay Round tariff cuts, which could amount to nearly $14 billion over five years or perhaps $40 billion over 10 years.

With the elections approaching, nobody wants to propose new taxes or spending cuts to bridge the gap. But nor does anyone want to suggest a waiver from the rules and set a precedent that opponents might exploit later on—the Democrats for health care or the Republicans for cuts in the capital gains tax.

The whole thing is absurd. In the next five years the government is likely to collect about $3 in revenue for every $1 lost in tariffs, because of vastly increased trade.

It is ridiculous to impose a budgetary penalty for freer trade, which pays for itself many times over. Congress should be brave enough to admit it has made a mistake and exempt trade agreements from the rules.

The main thing for Congress to remember is that agreements to open up world trade are never perfect, but the United States has always benefited from them.

Mr. Clinton should remember that his decisive support for NAFTA won top marks even from his critics as the high point of his first year in office. It is time for a repeat performance—preferably without the cliff-hanging finale.

Let me also read from the European Commission background brief on the Uruguay round. It states, "The agreement on the WTO also contains a binding clause which requires members to bring their national legislation in line with the agreements that are part of the WTO structure." Mr. President, while creating an international bureaucracy, this agreement is also restricting the ability of Congress to do its constitutional duty. Further, let me quote from a statement by Peter Sutherland, Director General of GATT, Reuters, on June 16, 1994: It reads:

(Peter Sutherland) hit out at countries that saw the right to reject GATT rulings as a sovereign prerogative. "What this amounts to is a country choosing to be above the law whenever it is inconvenient to observe the law," he said, and this opinion would not be open to countries under the WTO.

Using the term "law" to describe the workings of the WTO, implies to me that the ability of the United States to make its own laws and rules will be severely altered.

Mr. President, one argument used by the administration to justify the WTO is to argue that other countries would not impose harsh penalties against the United States since we have such a lucrative marketplace. However, I do not think any of us can really be sure how the developing nations of the world, which account for 83 percent of the WTO membership, will vote when a situation arises.

Mr. President, I am not asking that my colleagues rethink their philosophy on trade. However, we should be examining the agreement to see if all that is promised will be forthcoming. It seems to me that the benefits of this agreement are dubious.

Mr. President, I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I just want to say to the distinguished senior Senator from South Carolina, it is my understanding what he is groping for here is that we attempt to learn a little more about what the WTO is all about and what kind of impact it may have on us internally; is that essentially it?

Mr. THURMOND. That is correct.

Mr. MCCONNELL. I went recently to a session on the WTO, and I think all of us would like to learn a little more about how it is supposed to function in the context of the GATT. As I understand the amendment of the distinguished Senator from South Carolina, it seems to me it would assist us in learning more about the potential for the WTO as it relates to our own domestic governance.

I want to commend the Senator for his amendment. As I understand it, I think it is very good.

Mr. THURMOND. I thank the Senator very much. I deeply appreciate that from the able Senator from Kentucky, the manager of this bill.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY] is recognized.

Mr. LEAHY. Mr. President, I too share many concerns on the law enforcement aspects and what is happening in Russia and other parts of the former Soviet Union. I met with Director Freeh prior to his trip, a historic trip actually, that he took recently. In fact, I highly commend FBI Director Freeh for what he did and actually for the hope that he brought with him and the response he got.

I told him prior to his leaving that I intended to make sure that this bill would have within it significant amounts of money to be used for law enforcement and that it would be available for him. And Senator MCCONNELL, myself, Senator D'AMATO, and others are going to assure that is in there. We are not going to have a situation where people are going to invest in Russia or other parts of the former Soviet Union if they think they are trying to invest in an area that is something akin to a wild west scenario.

I mentioned when this bill was first in the Chamber the problem of shooting and even hand grenades being tossed around in Moscow. The story I told at that time was somebody pulling up in an expensive imported car, jumping out of it, starting to machine-gun an office on the ground floor, until the secretary opened the filing drawer, took a hand grenade out of the filing drawer, pulled the pin, rolled it under—pulled the pin out of the hand grenade and rolled it right under the car that was out there.

Now, this is kind of exciting, of course, but probably is not conducive to a good work ethic. And we will try to help in that regard.

Let me speak to the amendment that has been offered by the distinguished senior Senator from South Carolina.

There is a certain law of physics—I think it goes beyond anything Newton was aware of—which comes into play during the foreign operations bill. It is a new form of magnetism. It is little studied but well understood. It seems that when this bill comes up, it is like a magnet. It is pulling amendments out of the air that defy all laws of physics—and I might say Jefferson's manual—that have nothing to do with this bill.

Now, this is an appropriations bill. This is not a Finance Committee bill. It is not a trade bill. It is not GATT implementing legislation. And the amendment on GATT does not have anything to do with this bill. It is a Finance Committee issue. In fact, the Finance Committee has not even seen this amendment. They will have implementing legislation for GATT just as my own Committee on Agriculture will look, at some point when we get an opportunity in the fullness of time, at GATT implementing legislation. That is the place to bring up these kinds of matters. I cannot imagine that the distinguished chairman of the Finance Committee would want to see this legislation coming forward on an appropriations bill any more than I in my capacity as chairman of the Senate Agriculture Committee would want to see such authorizing legislation on an appropriations bill.

So I hope that he does not go forward with it. The GATT is really of great interest to all Senators, of course. But it is also a contentious issue.

Now, this amendment would call for another 90 days before the Uruguay round legislation could be introduced. In effect, of course, it kills any GATT for this year. I can assure Senators this is an issue that would not survive conference. There is no way, if this is on the foreign aid bill, the foreign aid bill could come out of conference. It just would not happen. We could, for those who are interested in particular earmarks in the foreign aid bill, say bye-bye earmarks because if this is on the bill we are not going to be able to conference this bill, and I suspect at some point we will have, which may be good policy, an unearmarked, scaled-down, continuing resolution and nothing would be done with GATT. If you want to do something on this, argue it before the authorizing committees implementing legislation on GATT.

I think that what we would like to do is accommodate of course what the Senator wants. He wants to know more about the World Trade Organization. There are going to be hearings on that. If he would like to go to those hearings, I suspect that the appropriate committees would be delighted to have him testify before the committees. Certainly every one of them can study it. We do not need a 19-day delay to do it nor do we need this bill to be destroyed to do it.

If nobody else is prepared to speak on this, I suppose we could go to a vote on it very soon.

THE EURASIA FOUNDATION

Mr. President, I want to say a few words about the Eurasia Foundation, a privately managed, small-grant making organization funded through our program of assistance to the New Independent States of the former Soviet Union. The Foundation supports public sector reform and private sector development through technical assistance, training and education grants to nonprofit organizations in the former Soviet Union, and to U.S. nonprofits with partners there.

The Foundation's success can be attributed to its unique approach. By awarding small grants, usually between $50,000 to $75,000, and relying on the input of local nonprofits and field staff who understand the situation on the ground, the Foundation is able to respond quickly and effectively to changing needs in the NIS. Another benefit of this flexible, grassroots approach is the ability for U.S. assistance to be delivered by a wide range of diverse organizations.

This program does not finance consultants to do prefeasibility studies, followed by feasibility studies, which lead to more studies. These are grants made to local groups with the expertise to provide hands-on assistance and produce tangible results. Eurasia Foundation grants have supported training in management techniques and market economics. They have provided technical assistance to establish surveying and mapping systems to assist land privatization. Another grant supported an ecology information center and press offices.

Mr. President, I have heard that AID is considering scaling back its original plans to fund the Eurasia Foundation at $75 million over 4 years. If true, this concerns me. The Eurasia Foundation is one of the more promising programs we are funding in the NIS. From what I have heard, the Eurasia Foundation could serve as a model for other programs.

I realize, of course, that the foreign aid program faces tight budget pressures. The amount of assistance we are recommending for the NIS in fiscal year 1995 is significantly less than in fiscal year 1994. However, before any decision is made to cut funding for a successful program like the Eurasia Foundation, I would expect AID to consult with the Appropriations Committee.

THE SUMMIT OF THE AMERICAS

Mr. President, this December, an important event will take place in Miami, FL, which should be of interest to all senators. On December 9 and 10, President Clinton will host the first meeting of democratically elected leaders in the Western Hemisphere. It is the first summit of its kind in over a generation, and it is intended to follow up on the signing of the NAFTA Treaty with Mexico which created the world's largest free trade zone.

While Presidential summits are often long on photo ops and self-congratulatory press releases and short on substance, I am hopeful that this summit will produce significant results. By bringing Western Hemisphere heads of state together, many for the first time, there will be an opportunity to begin to build secure relationships which can advance common interests. The discussions will focus on ways to stabilize democracy, promote greater trade and investment, and support sustainable development.

This summit is on enormous importance to all the countries in he hemisphere. It is no secret that relations between the United States and our southern neighbors have not always been easy. For much of this century we treated the Central American countries as virtual colonies. Banana republics, we called them. In recent years we were involved militarily in bloody conflicts in Nicaragua and El Salvador that deeply divided the Congress and the American people. The concern we all have about the possible use of U.S. troops in Haiti is but one reflection of this uneasy history.

Yet even during this period, there was progress toward democracy and free enterprise in Latin America, and with the recent peace agreement in El Salvador and the possibility of a settlement of the conflict in Guatemala, we seem to be entering a new ear. For perhaps the first time in history, we can look forward to a period of peace, of strengthening democracy, and of building stronger economic ties that benefit both North and South America.

In the long run the United States and the region cold benefit enormously from achieving the goals of this summit. Democracies tend not to attack one another. Political stability is the key to economic growth. United States exports to the region have more than doubled in the past 7 years, and they will continue to rise. This in turn has created thousands of jobs for Americans. As NAFTA is extended, I believe it will be, the prospects for stronger economic ties will greatly increase.

From the very beginning, this has been a cooperative effort. Vice President GORE traveled to Bolivia, Argentina, Brazil, and Mexico at the end of March to lay the groundwork for the conference. President Clinton has been in touch with his counterparts to develop a productive schedule for the summit. The Organization of American States and the InterAmerican Development Bank have been included in these preparations, and there have been consultations with the business community and nongovernmental organizations from Latin America and the United States to get their input. NGO's have traditionally been either ignored or harassed by Latin governments who have often regarded the NGO's with suspicion, as a threat to government authority and control. This summit is an opportunity to demonstrate the important role NGO's can play in building democracy, and in addressing many of the most acute problems these countries face.

Mr. President, this historic event, the largest gathering of democratically-elected leaders that the United States has ever hosted, deserves our attention and support. Having said that, I will end with a warning. Promoting democracy is a central theme of this summit, which is why Cuba and Haiti have not been invited to send representatives. However, the Dominican Republic recently held an election was marred by irregularities. International observers have yet to certify that it was a fair election. There is reason to believe that the party of the winning candidate, President Balaguer, engaged in widespread fraud which could have affected the result. I do not know whether, in the final analysis, the election will be ruled fair or not. But we do not want to implicitly ratify a stolen election, it that is what this was. The Dominican Republic should be invited to participate in the summit only if there has been a credible finding that the election was fair.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I rise today to add my support to an amendment offered by Senator THURMOND and to voice my growing concern about the Uruguay round agreement and the General Agreement on Tariffs and Trade and the General Agreement on Trade in Services.

The amendment raises a number of concerns about a provision in the Uruguay round which would establish an international entity which is referred to as the World Trade Organization. This amendment, which is a nonbinding resolution, states that it is the sense of the Senate that a joint Senate administration commission should be convened to perform a 90-day blue ribbon panel report on whether or not the World Trade Organization should be considered as a treaty rather than an Executive agreement. It also requests further hearings, both in Washington, DC, and in the field so that the ramifications of the World Trade Organization can be fully examined and understood.

Mr. President, let me be very clear. This amendment does not make the GATT agreement a dead-on-arrival agreement. It simply reflects, I think, the importance of the agreement and the need to fully understand the development of a new international organization prior to our country's acceptance of this agreement.

The World Trade Organization is not a minor change to the structure of the GATT. It creates an entity that is, to me, more than an international organization. Rather, it is a regime with powers that are structurally stronger than those of the United Nations.

Mr. President, when forming the United Nations, very special care was taken to ensure that the United States would have both veto power and a permanent seat on the Security Council. However, it is apparent that no such effort has been made with regard to the World Trade Organization. In the WTO, the United States could be outvoted by a small coalition of a handful of any given number of nations, regardless of their overall size, population, geographic size, their contribution to world trade itself, their funding contribution to the organization, or their commitment to fair trade and democracy.

The World Trade Organization would initially consist of a diverse coalition of 117 nations. Each member nation of the WTO, including the United States, would have one vote in resolving trade disputes under the auspices of the two agreements, the GATT and the GATS.

The World Trade Organization would vote on amendments and interpretations of GATT provisions. Again, Mr. President, the United States would be only 1 of 117 votes. Therefore, we could easily be outvoted by Third World countries of the World Trade Organization, as often happens in the United Nations. We have the history of the United Nations to demonstrate that that can clearly occur.

Another point of frustration is that we will be paying 20 percent of the World Trade Organization budget with a voice behind it of only one vote. Under the GATT, as it currently exists, the United States has veto power and can block a panel decision by denying the necessary consensus to adopt the panel's decision. Consensus is also replaced in the World Trade Organization with the following agreements: A two-thirds vote to amend the World Trade Organization, a three-fourths vote to impose an amendment on parties and to adopt the interpretation of World Trade Organization provisions.

There have been previous attempts to establish a supranational body to cover trade relations and dispute settlements. In other words, Mr. President, this is not the first time these concerns and ideas have been expressed on the floor of the U.S. Senate.

There have been previous attempts to establish, as I mentioned, these supranational organizations. The fear of granting broad authority over our trade rules to a mostly foreign entity led to the repeated rejection by the Senate of the International Trade Organization between 1947 and 1950, and a similar body known as the Organization for Trade Cooperation in 1955.

Under the interstate and foreign commerce clauses of the Constitution, States cannot discriminate against foreign businesses, including the application of State tax law. Therefore, under the GATT currently, the failure of a State to comply with these provisions would result in a U.S. court action where the parties involved would be able to receive fair and open redress of their complaints. The dispute settlement mechanism included in the Uruguay round agreement, on the other hand, would require such matters involving State tax policy and foreign businesses to be brought before the World Trade Organization itself.

It is my understanding, Mr. President, that the World Trade Organization dispute settlement panel can meet in secret and need not consider U.S. constitutional standards nor follow the constraints of U.S. jurisprudence. This is a serious concern, and it must be clarified before this agreement is brought to the Senate floor for ratification.

It is also my understanding that no individual U.S. State government is guaranteed representation on the World Trade Organization's dispute panel, and the United States cannot reject a World Trade Organization dispute panel mandate without facing foreign retaliation and trade penalties enforced by the World Trade Organization. This may be a worse case scenario, but if it is a scenario that could occur under the World Trade Organization, then that provision in the Uruguay round agreement must be changed.

In short, Mr. President, States rights must be protected at all costs.

We said it in 1947 in a similar debate. We said it again in 1955, and I would hope that the U.S. Senate would confirm the Thurmond amendment which would examine and clarify those most important issues.

Our Nation's Founders, in framing the Constitution, and in the development of our Federal system, never intended that a State relinquish the development and enforcement of its tax policy to a foreign entity like the World Trade Organization.

It is my understanding that many States have expressed serious concerns over these provisions of GATT and GATS.

A letter, signed by 42 attorneys general, including Idaho's Attorney General Larry Echohawk, expresses the concerns of our States. It also requests a summit with Federal officials to review States rights issues.

Mr. President, the attorneys general of the States of our Nation are now requesting of our Government that a similar summit be held, and this similar summit has been included in the Thurmond amendment we are now offering today.

Let me share with you, Mr. President, what this letter says, and I ask unanimous consent that the full text of the letter from the States Attorneys General be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF MAINE, DEPARTMENT OF THE ATTORNEY GENERAL,
Augusta, ME, July 6, 1994.

Hon. WILLIAM J. CLINTON,
President of the United States,
Washington, DC.

DEAR PRESIDENT CLINTON: As defenders of State laws, State Attorneys General have a particularly keen interest in State sovereignty. The Uruguay Round of the General Agreement on Tariffs and Trade (GATT), which is to be submitted to Congress under fast-track authority soon, appears to have broad implications for State self-government. Given the paramount importance that the U.S. Constitution assigns to State's rights, we would like to request a State-Federal Consultation Summit on this issue, to be held in July or August, before the Administration submits implementing legislation. Although we have agreed to take the lead on this issue, because it affects all State officials, an invitation would be extended to State executive and legislative branches as well.

We are requesting a Summit to give State officials the benefit of a thorough airing of concerns about how the Uruguay Round and the proposed World Trade Organization

(WTO) would affect State laws and regulations. Many State officials still have questions about how some of our State laws and regulations would fare under the WTO and its dispute resolution panels. This is of particular concern given that some of our trading partners have apparently identified specific State laws which they intend to challenge under the WTO.

As you know, the U.S. Trade Representative's Office (USTR) is charged with an interesting set of responsibilities. On one hand, its primary responsibility is to promote U.S. exports and international trade. Yet, on the other hand, the Trade Representative's Office is charged with the responsibility of protecting State sovereignty and defending any State law challenged in the various international dispute tribunals. Given the inevitable conflict in fulfilling both sets of these responsibilities, we would like to take advantage of the proposed Summit to clarify a range of serious concerns, including:

Whether the implementing legislation adequately guarantees States that the federal government will genuinely consider accepting trade sanctions rather than pressuring States to change State laws which are successfully challenged in the WTO.

Whether States have a guaranteed right and a formalized process in which they can participate in defending their own State laws.

Whether the USTR is required to engage in regular consultation with the States, and involve any State whose measures may be challenged in the defense of that measure at the earliest possible opportunity.

Whether parties challenging a State measure under GATT will be able to prevail based on the fact that one State is simply more or less restrictive than another State's.

Whether GATT grants any private party a right of action to challenge a State law in federal court.

Whether an adverse WTO panel decision can be interpreted as the foreign policy of the United States without the subsequent ratification of the Congress and the President.

Whether GATT panel reports and any information submitted by the States to the USTR during the reservation process are admissible as evidence in any federal court proceeding.

Whether a panel decision purporting to overturn State law shall be implemented only prospectively.

Whether the federal government may sue a State and challenge a State measure under GATT without an adverse WTO panel decision.

How will adverse WTO panel decisions impact State laws covering pesticide residues, food quality, environmental policy including recycling, or consumer health safety, where State standards are more stringent than federal or international standards.

Whether so-called "unitary taxation," which assesses the State taxes corporations pay on the basis of a corporation's worldwide operations, be illegal under GATT.

Whether States may maintain public procurement laws that favor in-State business in bidding for public contracts.

How well protected is a State law if it is included within the coverage of U.S. reservations to new GATT agreements.

Whether the United States can import some due process guarantees into the WTO dispute resolution system, now that the negotiations are over, the WTO panel proceedings remain closed and documents confidential.

In responding to our request for this GATT Summit, please have staff contact Christine T. Milliken, Executive Director and General Counsel of the National Association of Attorneys General, at (202) 434-8053. Although the Association has taken no formal position on this issue, the Association provides liaison service upon request when fifteen or more Attorneys General express an interest in a key subject.

Further, the Association through action at its recent Summer Meeting has instructed staff to develop in concert with the Office of U.S. Trade Representative an ongoing mechanism for consultation. The Association participates in several federal-state work groups, principally with the U.S. Department of Justice and also with the U.S. Environmental Protection Agency that might serve as a starting point for developing a model for an effective ongoing dialogue with the USTR on emerging issues in this key area.

Respectfully yours,

MICHAEL E. CARPENTER,
Attorney General of Maine.

The following attorneys general signed the letter:

Alabama: Jimmy Evans.
Alaska: Bruce M. Botelho.
Arizona: Grant Woods.
Colorado: Gale A. Norton.
Connecticut: Richard Blumenthal.
Delaware: Charles M. Oberly, III.
Florida: Robert A. Butterworth.
Hawaii: Robert A. Marks.
Idaho: Larry EchoHawk.
Illinois: Roland W. Burris.
Indiana: Pamela Fanning Carter.
Iowa: Bonnie J. Campbell.
Kansas: Robert T. Stephan.
Kentucky: Chris Gorman.
Maine: Michael Carpenter.
Maryland: J. Joseph Curran, Jr.
Massachusetts: Scott Harshbarger.
Michigan: Frank J. Kelley.
Minnesota: Hubert H. Humphrey, III.
Mississippi: Mike Moore.
Missouri: Jeremiah W. Nixon.
Montana: Jospeh F. Mazurek.
Nevada: Frankie Sue Del Papa.
New Hampshire: Jeffrey R. Howard.
New Jersey: Deborah T. Poritz.
New Mexico: Tom Udall.
New York: G. Oliver Koppell.
North Carolina: Micheal F. Easley.
North Dakota: Heidi Heitkamp.
Northern Mariana Islands: Richard Weil.
Ohio: Lee Fisher.
Oregon: Theodore R. Kulongoski.
Pennsylvania: Ernest D. Preate, Jr.
Puerto Rico: Pedro R. Pierluisi.
Rhode Island: Jeffrey B. Pine.
South Carolina: T. Travis Medlock.
Tennessee: Charles W. Burson.
Texas: Dan Morales.
Utah: Jan Graham.
Vermont: Jeffrey L. Amestoy.
Virginia: James S. Gilmore, III.
Washington: Christine O. Gregoire.
West Virginia: Darrell V. McGraw, Jr.
Wyoming: Joseph B. Meyer.

Mr. CRAIG. I will read only the first paragraph. It says:

As defenders of State laws, State Attorneys General have a particularly keen interest in State sovereignty. The Uruguay Round of the General Agreement on Tariffs and Trade (GATT), which is expected to be submitted to Congress under fast-track authority soon, appears to have broad implications for State self-government. Given the paramount importance that the U.S. constitution assigns to State's rights, we would like to request a State-Federal Consultation Summit on this issue, to be held in July or August, before the Administration submits implementing legislation. Although we have agreed to take the lead on this issue, because it affects all State officials, an invitation would be extended to State executive and legislative branches as well.

And the letter goes on to express the concern over 42 of these attorneys general now.

In addition, Mr. President, I have been working with the Idaho State Tax Commission on the State sovereignty concerns and would like to read the following letter I received from the Idaho State Tax Commission which articulates specific concerns of my home State, and for sake of time, Mr. President, let me ask unanimous consent that the full text of that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

IDAHO STATE TAX COMMISSION,
Boise, ID, May 26, 1994.

Re Pending GATT/GATS Agreements.

Hon. LARRY E. CRAIG,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRAIG: We are writing to explain our concern about the power over state and local taxes that the new General Agreement on Tariffs and Trade (GATT) will give the World Trade Organization (WTO). Unless modified significantly, these provisions of the new GATT will undermine state and local fiscal sovereignty and likely favor foreign business over U.S. taxpayers.

As the administrators of tax laws enacted by the state legislature, we strongly support equal treatment of all taxpayers foreign and domestic. We have no objections to those provisions of the GATT designed to encourage trade. However, the WTO provisions applicable to state and local taxes exceed legitimate trade concerns. They are likely to have unintended, but dangerous, consequences for the sovereignty and citizens of Idaho.

The central problem is in the dispute settlement mechanism of the GATT and WTO. WTO dispute settlement panels are not bound by U.S. constitutional standards and jurisprudence in evaluating challenges to state tax laws, even though the Interstate and Foreign Commerce clauses of the Constitution effectively prohibit discrimination against foreign entities. The fear and experience of state tax administrators is that such panels may well overturn state and local tax laws, because of some perceived bias against international trade, which are not in fact discriminatory and which are perfectly legitimate under the U.S. Constitution.

This is precisely what happened in the one international trade case involving state taxation. In a case commonly called "Beer II," a trade panel ruled that a Minnesota law granting preferential tax status to small breweries regardless of where they were located violated the GATT. It held that the small brewer preference must be removed or that equally preferential rates must be accorded large Canadian brewers. There was no evidence of discrimination based on national origin, and there was no evidence of any trade barrier. USTR did not veto or reject this decision. Instead, it has encouraged states to comply with it.

Moreover, unless some action is taken to the contrary, WTO panel rulings can be enforced against a state or local government in the U.S. court system, event though the offending law or policy is otherwise consistent with U.S. constitutional standards. While this is not possible with federal measures, we believe it would be true for state and local laws. With the Congressional adoption of the GATT, dispute panel findings, unless specifically rejected by the U.S. government, can be argued to represent the foreign policy of the U.S. Thus, state and local laws to the contrary would be found to violate the Foreign Commerce Clause of the U.S. Constitution.

In short, the GATT process provides foreign interests with willing government partners another avenue to challenge state and local tax policies with which they disagree. These challenges will occur in a forum not bound by the U.S. constitutional standards against which state and local laws are shaped and in a forum where states and localities cannot represent themselves. The net result is to place U.S. taxpayers at an unfair disadvantage, compromise state tax sovereignty, and substitute the WTO for the U.S. Supreme Court as the final arbiter of state and local tax policies.

The Multistate Tax Commission (MTC) and the Federation of Tax Administrators (FTA) have proposed two ways to address these concerns without rejecting the GATT. First, the U.S. government could assert a broad reservation from the national treatment requirements of the GATT for state and local tax laws that meet U.S. constitutional standards. Several suggestions along these lines have been rejected as overly broad or unworkable by the U.S. Trade Representative staff.

The other approach is to include provisions supporting fiscal federalism in the GATT implementing legislation. The following is a summary of the MTC/FTA proposals for the implementing legislation:

Rejecting all WTO panel decisions not based on U.S. constitutional standards regarding nondiscrimination against foreign parties or not adopted by action of the U.S. Congress within 120 days of the panel decision;

Requiring that a state or local law or policy may be declared invalid as being in violation of the GATT only through an action brought by the U.S. government for that purpose;

Prohibiting (a) retroactive application of WTO panel decisions; (b) use of panel findings and decisions as competent evidence in the U.S. courts; and (c) any private right of action emanating from a WTO panel decision;

Requiring that affected state and local governments assist in representing their interests before the WTO; and

Requiring the USTR provide notice to state and local governments at least 180 days before USTR initiates or responds to a complaint about state or local tax policies and practices.

For detailed information on these proposals, your office may contact Nancy Donohoe, MTC Consultant at (202) 296–8060 or Roxanne Davis, FTA Research Attorney at (202) 824–5890.

The U.S. Constitution has for 200 years balanced the interests of federalism and free trade. That balance can be accomplished in the GATT only with the types of reservations and implementing legislation outlined above. Your help in preserving this balance is sorely needed. Thank you for your support and commitment to federalism.

Sincerely,

COLEEN GRANT,
Chairman.
R. MICHAEL SOUTHCOMBE,
Commissioner.
G. ANNE BARKER,
Commissioner.
DUWAYNE D. HAMMOND, Jr.,
Commissioner.

Mr. CRAIG. Let me read the first paragraph. It says:

DEAR SENATOR CRAIG: We are writing to explain our concern about the power over state and local taxes that the new General Agreement on Tariffs and Trade (GATT) will give the World Trade Organization (WTO). Unless modified significantly, these provisions of the new GATT will undermine state and local fiscal sovereignty and likely favor foreign business over U.S. taxpayers.

Let me repeat:

* * * will undermine State and local fiscal sovereignty and likely favor foreign businesses over U.S. taxpayers.

If that is true, Mr. President, this can simply not be allowed. I say if it is true. That is why the amendment as proposed by Senator THURMOND and that is why the State attorneys general have asked that this Government stop, bring its people together, examine these critical issues before we move toward fast track and implementation.

Mr. President, there are also problems with the language of the Uruguay round agreement, which has the potential of infringing on State sovereignty.

The phrasing of provisions to prevent State discrimination against foreign businesses is dangerously vague and would favor foreign entities over American taxpayers in the resolution of disputes.

I cannot imagine that this Senate, blinded as we often times are and urged to promote world trade, would not have the willingness to stop and look and listen to authorities who can flesh out and explain for us these important provisions.

Both GATT and GATS are worded in a far less precise manner than existing State tax laws.

A vague agreement opens the door for unfair and conflicting interpretation.

For example, under GATT, prohibiting unjustified discrimination against foreign businesses in the United States does not clearly define a specific standard.

A State law which fulfills the requirements of the U.S. Constitution, may not meet the broader standard under GATT and GATS.

The national treatment provision under GATS requires the United States to ensure that foreign services and service providers receive "treatment no less favorable than that it accords to its own like services and service suppliers."

Under the provision, only foreign businesses receiving a negative economic impact resulting from a State law could seek corrective action by the WTO while domestic businesses which are economically harmed by a State guideline would have no similar avenue of redress. This grants foreign businesses a significant advantage which their domestic counterparts would not enjoy.

The national treatment provision on the surface looks and sounds like the foreign commerce clause of the U.S. Constitution, but it is significantly different.

Mr. President, I would like to share some information that was included in a memorandum to State tax administrators from two organizations, the Federation of Tax Administrators and the Multistate Tax Commission:

It reads:

The standards for proving a violation of national treatment are lower than for proving a violation of the foreign commerce clause.

Because only foreign taxpayers can benefit directly from the "national treatment" provision, they will have access to a more favorable set of rules than U.S. taxpayers.

State tax provisions that might well meet the requirements of the U.S. Constitution may be found to violate GATS.

The memorandum goes on to cover dispute settlement panels:

The rulings of trade panels—"dispute settlement bodies"—may become legally binding on the States and local governments even though they are not legally binding on the Federal Government.

The Federal Government can decide to comply or not comply with an adverse trade panel ruling.

However, the dormant foreign commerce and national supremacy clauses of the Constitution are binding on States and localities.

Thus, foreign taxpayers may use the trade panel ruling as evidence in suits against States or localities and could seek enforcement trade panel rulings in our courts on the basis that they reflect the foreign commercial policies of the United States.

The memorandum also states that:

Because of these interactions between trade agreements and the U.S. constitutional law, we think that State and local tax authority will be undermined, tax burdens may increasingly shift from foreign taxpayers to U.S. taxpayers, and decisionmaking authority over State and local taxes will increasingly shift from the U.S. Supreme Court to "dispute settlement bodies."

For these reasons, we have sought protection for all State and local tax practices that conform to Federal law or that are determined by the domestic courts of the United States to be nondiscriminatory under the Constitution.

These arguments and concerns cannot be summarily dismissed, Mr. President. The problems are real and need to be resolved. I hope that today's discussion on the World Trade Organization will lead to a more thorough discussion as is outlined in the amendment offered by Senator THURMOND.

Mr. President, there is another document that I would like to have become part of the RECORD.

I highly recommend it to my colleagues who support States rights.

This testimony was delivered by Dan Bucks, the Executive Director of the Multistate Tax Commission, at the House Subcommittee on Trade hearing last February. The title, interestingly, is "Free Trade, Federalism and Tax Fairness."

I ask unanimous consent that his testimony before that subcommittee of the House be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

FREE TRADE, FEDERALISM AND TAX FAIRNESS

(Testimony by Dan R. Bucks)

The Multistate Tax Commission is an interstate compact agency that works to ensure that multistate and multinational businesses pay a fair share—but not more than a fair share—of taxes to the states and localities in which they operate. We encourage states to adopt uniform tax laws and regulations in the interest of tax fairness as well as administrative ease and efficiency for businesses that operate in several states and nations.

This testimony substantially draws on a larger report prepared by the staffs of both the Multistate Tax Commission and the Federation of Tax Administrators, the latter being the professional association of state tax officials. The Commission appreciates and acknowledges the efforts of the Federation in helping to analyze the impact of international trade agreements on state taxation.

The Commission views the General Agreement on Tariffs and Trade (GATT) and the General Agreement on Trade in Services (GATS) from this perspective of fundamental fairness and efficiency. States are committed to treating foreign taxpayers as well as they treat U.S. taxpayers who do business in their borders, and the Commission fully supports this principle of equal taxation. Equality of tax treatment provides a level playing field for the expansion of international trade.

The U.S. Constitution established a foundation for our nation based on the principles of free trade and federalism. It has created the most successful free trade area known in modern times and establishes the ideal pursued by other nations in international trade agreements. The Constitution also establishes a successful system of federalism. In a world where other nations are beset with social tension, and even civil war, over issues of balancing the aspirations of local communities with central governments, the U.S. system is a model for balancing local and national interests.

Over the past two centuries, our nation has enhanced and developed an effective balance between free trade and federalism—a balance that flourishes today. However, GATT and GATS, which do not recognize principles of federalism and the sovereignty of state governments, threaten to destroy that balance. Thus, the Commission proposes measures that would restore, in the context of GATT and GATS, a proper balance between free trade and federalism and ensure tax fairness.

The Constitution, as noted, guarantees that states and localities will treat foreign taxpayers equally as compared to domestic taxpayers. Unfortunately, without significant adjustment through the exemption and reservation process and implementing legislation, GATT and GATS will violate the principle of equality under the Constitution by granting rights and privileges in state and local taxation to foreign taxpayers that are not available to domestic taxpayers. Without adjustments, GATT and GATS will over the long-term:

Reduce state and local taxes paid by foreign taxpayers and unfairly shift that tax burden to U.S. businesses and ordinary citizens,

Transfer authority to determine state and local tax policy from the states, subject to the review of Congress and the U.S. Supreme Court, to international trade panels with little or no expertise in state and local tax policy or constitutional law relating to federalism, and

Erode the ability of states to perform their role as "laboratories of democracy" in our system of federalism—fashioning local solutions to local problems.

These problems will arise from the interaction of GATT and GATS with state and federal laws. The key features of this interaction are as follows:

First, GATT and GATS establish special rules and appeal procedures that are available only to foreign taxpayers and that are more favorable than the rules and procedures available to U.S. taxpayers under state and federal law and the Constitution. If a special class of taxpayers has access to rules and procedures that are more favorable to them than other taxpayers, those taxpayers will ultimately receive tax benefits at the expense of those less favored.

Second, unless Congress enacts appropriate provisions of implementing legislation, rulings to international trade panels may be legally binding on state and local governments, even though they are not legally binding on the federal government. States are subject to the foreign commerce and national supremacy clauses of the Constitution. Unless an international trade panel ruling is specifically rejected by the federal government, foreign parties may seek enforcement of that ruling.

Third, states base many of their tax policies on either the federal tax laws or on mandates imposed by the federal government. The federal law may not conform to the trade agreements, and states may find their taxes vulnerable under the agreements simply because they are following federal law.

HOW GATT AND GATS FAVOR FOREIGN TAXPAYERS

The special rights and privileges that taxpayers will enjoy under GATT and GATS arise from the broad and ambiguous terms used in the agreements and the "dispute settlement mechanisms" established by the agreements. Specifically, the following features of the agreements create problems for state and local taxation:

The agreements use broad language that is much less precise than tax law and create the potential for unpredictable, unintended and unfortunate decisions. For example, "unjustified discrimination" is an ill-defined, ambiguous standard in the agreements, and the limited history of GATT authorities applying that standard to state taxation is disturbing.

Foreign companies seeking to reduce their state or local tax bills would no longer be required to bring an action in the domestic courts of the U.S., but they could instead recruit their government to lodge a GATT complaint against the state or locality. "Dispute Settlement Bodies" comprised of private sector persons from other nations who are trade experts, but most likely have little or no tax or federalism experience, would rule on complaints by foreign nations against a state or local tax practice. The Dispute Settlement Bodies would not be bound by U.S. court precedents or any other body of law.

States have no guaranteed standing before Dispute Settlement Bodies. Absent Congressional action, states cannot be assured that their views will be presented or protected by the U.S. government at any time in the future. The federal government may defend the states' legitimate interests—or it may decline to, at its sole discretion.

Because GATT and GATS, unlike the U.S. Constitution, do not recognize federalism, and more specifically the rights of state governments, which are otherwise constitutionally restricted from discriminating against foreign and interstate commerce, as a positive value, Dispute Settlement Bodies will be under no obligation to balance the claims of trading interests with subnational governmental rights.

These features combine to create opportunities for tax benefits for foreign taxpayers that are more favorable than any U.S. taxpayer can attain. This fact is illustrated by the one case involving state taxes that has been subject to a dispute settlement ruling under GATT. This case is commonly referred to as Beer II and involved a Canadian-U.S. dispute over federal and state taxes and regulations affecting beer production and distribution.

THE UNFORTUNATE LESSONS OF BEER II

A GATT panel issued a report on February 7, 1992, on Canada's challenge to federal and state laws affecting the beer industry. (This GATT panel decision is commonly referred to as "Beer II.") The Beer II decision provides ample evidence that states are justified in fearing decisions that will likely flow from Dispute Settlement Bodies under GATT and GATS. Beer II ignores federalism entirely and fails to acknowledge the sovereign right of states in a federal system to establish different, but non-discriminatory, laws that reflect local conditions that do not necessarily pertain in all states. Finally, Beer II creates tax benefits in states for foreign breweries that no U.S. brewery could obtain in the U.S. court system.

Specifically, there are at least three features of Beer II that are unacceptable to the U.S. constitutional framework of federalism. The three troubling features of Beer II are the panel's (i) employment of an arbitrarily broad notion of "discrimination;" (ii) application of the "least restrictive measure" standard to define the GATT obligation of "national treatment;" and (iii) elevation of GATT above the U.S. Constitution.

Overly Broad Concept of Discrimination Used to Benefit Foreign Taxpayers: The Beer II panel ruled against certain state tax laws that do not discriminate against either interstate or foreign commerce. In particular, Minnesota offers favorable excise tax treatment for microbrewery production that is conditioned only on the size of the brewery and is completely neutral with respect to the national origin or location of the brewery, its product or its inputs. No microbrewery located in Canada is denied access to the favorable tax treatment. (The Minnesota law is distinguishable from some of the other state laws considered in Beer II that condition favorable tax treatment on geographic location.) Yet, the Beer II panel was unwilling to make that distinction. Employing a "beer is beer" standard, the panel swept the Minnesota-type laws into the scope of its disapproval. Under "beer is beer" reasoning, no government would ever be able

to make reasonable or rational distinctions between beer produced under different circumstances unrelated to geographic location. The "beer is beer" standard negates the ability of states to make rational policy choices where there is no evidence of an intent to discriminate against foreign or interstate commerce or to promote local, economic protectionism.

Unless rejected by the federal government or otherwise resolved to the contrary, the original GATT ruling may well provide large Canadian brewers with a special tax benefit in at least one state that is unavailable to large American brewers. This ruling illustrates that GATT and GATS can undermine the equality of treatment between foreign and domestic taxpayers that is guaranteed under the U.S. Constitution. Unless adjusted, GATT and GATS tilt an otherwise level state and local tax playing field in favor of foreign business and against the interests of U.S. businesses and taxpayers.

Classifying taxpayers on the basis of size is a common and acceptable practice that generally poses no problems of discrimination against commerce flowing across political boundaries (e.g., in federal law, S Corporations which may not have non-resident alien shareholders can be distinguished from C Corporations on the basis of number of shareholders). Under the U.S. Constitution, state laws like Minnesota's that classify brewers on the basis of size would most likely be upheld. Other state laws that condition favorable tax treatment on in-state location of the activity, inputs or product would most likely fail a constitutional test. The domestic courts of the U.S. would make careful, well-informed, well-reasoned and justified distinctions between these different types of tax laws. The Beer II panel did not.

Ignoring Federalism: Even more disturbing is the Beer II panel's use of a "least restrictive measure" standard for defining national treatment in order to determine whether discrimination exists. Using the least restrictive measure standard, the panel ruled against higher regulatory standards of some states on the basis that other states had lower standards. Some states impose requirements on the methods of distributing beer as an effective and efficient means of collecting excise taxes. Other states, however, do not impose the same requirements. The Beer II panel's ruling allowed no room for different requirements based on different circumstances confronted by various states, nor did the panel allow any room for differing judgments by separate sovereigns as to the most appropriate requirements to impose to effect collection of taxes.

By imposing on all states the least restrictive measure standard among the states for assessing whether a neutrally structured and intended measure operates on a de facto basis to discriminate under the national treatment obligation of GATT, the Beer II panel struck at the very heart of federalism. The panel's reasoning leaves no room for different laws based on different local circumstances, nor for any range of judgment, regardless of the absence of any discriminatory intent in those judgments, to be exercised by different state sovereigns. Indeed, the combination of the least restrictive measure standard and the acceptance of de facto arguments leaves all state law potentially at risk of being subject to challenge under the aegis of GATT and GATS. Higher taxes levied by a state in which a company from one nation does business could be challenged as discriminatory simply because a competitor does business in another state with lower taxes. The following examples illustrate the potential problems created by the Beer II reasoning, if applied to state taxation:

If Chilean wine is sold primarily in states with low wine taxes, while French wine is sold more often in states with higher wine taxes, the French firms could win a de facto MFN judgment for a GATT panel against states with higher wine taxes.

If the gross receipts tax on a foreign-owned long distance telephone company is higher in the states in which it operates than the tax rates on American-owned long distance (or local) phone companies in other states, the foreign-owned company could win a de facto "national treatment judgment" against the higher tax states.

If a foreign-owned bank pays higher property taxes in the one state in which it operates (for example, NY) than do banks, on average, in other states, it could win a national treatment judgment against the high tax state. (This result would potentially disrupt the billions in revenues realized from property taxation, a form of taxation that is covered by GATS. Property taxes are the primary source of support for education in the United States.)

Since GATT/GATS, as drafted, does not recognize federalism and looks at "discrimination" on a national basis, differences among states in tax treatment of similar economic activity could be used by foreign multinationals to win tax breaks from GATT/GATS panels using the "least restrictive measure" reasoning of the Beer II panel. The obvious result of such rulings would be to destroy America's federal system. Each state would be barred by GATT/GATS panels from setting its own tax policy, settling instead to the lowest level of taxation by any state.

GATT Overrules the U.S. Constitution: The Beer II panel decision does not recognize governmental powers that are reserved to the States under the U.S. Constitution. The panel found in Beer II the States' alcohol regulatory practices, which could not be described intended to discriminate against foreign or interstate commerce or to promote economic protectionism, to violate GATT obligations. This violation was found even in the face of the central government's (federal government's) lack of power to require the States to change their alcohol regulatory practices that are reserved to the States under Twenty-First Amendment of the U.S. Constitution. In essence, the panel has used a congressionally approved international trade agreement to overrule the U.S. Constitution—something the U.S. Supreme Court cannot even do.

GATT/GATS RULINGS CAN BIND STATES, BUT NOT FEDERAL GOVERNMENT

As suggested above, GATT and GATS generally will bind the states in ways that do not apply to the federal government. It is important to keep this difference in effect in mind, because the federal government is simply not subject to the many restrictions applicable to the states and the perspective of the federal government is not, therefore, directly transferable to the states.

GATT and GATS are a part of the foreign policy of the United States that, under the Constitution, is binding on the states. U.S. domestic courts entertaining state tax disputes will consider GATT and GATS rulings by the Dispute Settlement Bodies (and the other authorized decision-making agencies of these trade accords) as expressions approved under U.S. foreign policy unless there is a formal rejection of the rulings by the U.S. government. Thus, in any future cases involving state or local taxes in which the U.S. government does not expressly and firmly reject the GATT or GATS ruling, foreign parties will be able to take the trade ruling into U.S. domestic courts and argue persuasively that the state or local tax practice violates the U.S. Constitution by virtue of being inconsistent with the foreign policy of the U.S.

This ability of foreign parties to seek enforcement of GATT or GATS rulings that may be adverse to a state taxing practice in the domestic courts of the U.S. makes the nature of the dispute settlement process of great concern. Trade panels—closed to the states and comprised of non-U.S. citizens—will begin to play a role previously reserved to the U.S. Supreme Court precedents and constitutional language on the rights and obligations of subnational governments, but empowered instead to interpret broadly vague language, pose a clear and present danger to the U.S. system of federalism.

FEDERAL LAWS MAY CREATE GATT PROBLEMS FOR THE STATES

States, especially in the income tax area, have frequently based their state tax treatment on federal law. The practice of "piggybacking" on federal laws typically simplifies tax compliance and reduces costs for taxpayers and states alike. This practice generally supports the free flow of commerce and should not be discouraged by GATS or GATT. Accordingly, state laws based on federal law should not be subject to a separate challenge under these trade agreements.

In addition, there are several state or local tax practices that are required by federal law. This category of state and local taxation should be similarly protected from the jurisdiction of the trade agreements, more because of the federal interests involved than the state interests.

The following examples—which are not all inclusive—illustrate the category of laws involved in state taxing practices reflecting federal law:

Tax exemptions for non-profit and U.S. government enterprises,

Protection of businesses engaged in interstate, but not foreign commerce, from state income taxation under Pub. L. 86-272, and

Tax exemptions for U.S. and state government securities.

These examples all involve activities that provide for favorable treatment of domestic activities. States are prohibited from taxing federal obligations, but they are allowed to tax foreign obligations. States use federal concepts of charitable, non-profit activities to similarly provide favorable tax treatment to charitable activities within their borders. They do not provide favorable tax treatment for charitable activities outside their borders or, following the federal law, for similar activities provided by for-profit entities. States are required by federal law to provide certain favorable treatment to businesses engaged in interstate commerce, but not those engaged in foreign commerce.

States must comply with federal law and are often wise in using federal tax laws as a basis for their own laws. States should not get caught in a conflict between specific federal laws and general GATT requirements. The federal government should protect states from adverse GATT determinations that might arise from their use of or compliance with federal laws.

PROTECTING FREE TRADE, FEDERALISM AND TAX FAIRNESS

The task at hand is to restore tax fairness and federalism to the framework of the

world trade agreements. Unless this task is accomplished, foreign taxpayers will be able to reduce their state and local taxes unfairly at the expense of U.S. taxpayers. Further, because taxation is at the core of sovereignty, the role of the states in our federal system will be undermined as authority over taxation shifts from state and federal officials to non-U.S. citizens serving on international trade panels.

There is a ready solution to the need to restore tax fairness and federalism to the GATT and GATS framework. Currently, in the GATT negotiations, nations are developing exclusions from the GATT and GATS agreements. These exclusions involve Most Favored Nation Exemptions and National Treatment Reservations. The MFN Exemptions are to be resolved by April 15, and the National Treatment Reservations by June 15.

We proposed to the Administration that they seek two types of exclusions from GATT and GATS as both MFN Exemptions and National Treatment Reservations. In developing the proposed exclusions, we seek to establish two broad principles that will restore tax fairness and federalism to the trade agreements:

(1) The U.S. Constitution should be the basic standard for judging whether state and local taxes are fair and non-discriminatory as they apply to foreign commerce, and

(2) States should not suffer the penalty of adverse GATT or GATS ruling because they comply with or base their taxes on federal laws.

Using these principles, we have proposed to the Administration that they seek an MFN Exemption and a National Treatment Reservation that would exclude from the scope of the trade agreements any state or local tax measures that "satisfy the requirements of the U.S. Constitution as determined by the domestic courts of the States and the United States." Further we have sought an MFN Exemption and a National Treatment Reservation that would exclude from the trade agreements state and local tax measures that "substantially replicate, or discharge requirements or manifest the policy of, the U.S. Internal Revenue Code or other applicable federal law."

These proposed exclusions from the trade agreements remain under discussion. We seek the support of Congress for these exclusions. If these exclusions are incorporated into the GATT and GATS framework, then there would likely be little need to address state and local tax issues in the implementing legislation for GATT and GATS. However, if these exclusions are not adopted, we will return to Congress with extensive and detailed proposals for embodying to the degree possible not only the constitutional and statutory principles listed above, but also a third and fourth additional principles:

(3) As is the case with the federal government, rulings under GATT and GATS should not be legally binding on state and local governments,

(4) Federalism should be recognized as a positive value by allowing state governments, as sovereign entities, full and direct participation in GATT or GATS disputes involving state laws and by requiring that trade panels dealing with state and local tax issues should include tax officials from subcentral governments in federal systems.

Incorporating these principles into the implementing legislation would require detailed provisions dealing with a host of matters including, as a sample, the following: i) a requirement that the U.S. government use the Constitution for judging the acceptability of GATT rulings involving state and local taxes, ii) prohibitions on private rights of action by foreign parties seeking to enforce GATT rulings involving state and local taxes in the domestic courts of the United States, iii) procedures for the direct participation of state governments in defending cases before GATT panels involving state or local taxes, (iv) requirements for nominees from other nations acceptable to the United States for serving on trade panels dealing with state and local tax matters, (v) consultation procedures between the federal government and state and local government when GATT cases begin to arise, (vi) procedures for determining whether and in what manner the U.S. accepts adverse GATT rules, and (vii) procedures for the U.S. government to pay compensation or other means that avoid unfunded mandates on state or local governments if adverse GATT rulings occur. There may be other subjects that should be considered in the implementing legislation as well. However, most if not all of these subjects need not be addressed if the U.S. secures the type of MFN Exemptions and National Treatment Reservations we have sought.

The linchpin of our proposals is the Constitution. For that reason, it is necessary to understand why the Constitution works to ensure fundamental fairness in state and local taxation for foreign and domestic taxpayers alike.

HOW THE U.S. CONSTITUTION ENSURES TAX FAIRNESS

The Interstate Commerce Clause, combined with other provisions of the U.S. Constitution, guarantees that states tax out-of-state parties in the same manner as they tax their own state residents. Further, the Foreign Commerce Clause requires that the states tax foreign parties in the same manner as they tax U.S. parties. Both clauses interact to achieve more effectively and precisely than GATT or GATS can guarantee essential equality in taxation for foreign and U.S. interests alike. Further, the case law under these provisions is careful and well-developed and is not subject to the likely abuses under the ambiguous language and incomplete precedents of the trade agreements. Because of the effectiveness of the U.S. Constitution in guaranteeing equal and non-discriminatory taxation, the Constitution should be the basis for achieving the result sought by GATT and GATS: trade that is not restrained by discriminatory taxation.

Because foreign companies are well protected by the Constitution against unlawful discrimination, local economic protectionism and undue burdens placed upon commerce, GATT/GATS should not limit or affect the tax methods by which states or other subnational governments raise revenue from business activities over which they have jurisdiction. During the past 200 years, the United States Supreme Court has consistently safeguarded interstate and foreign commerce from discrimination and undue burdens caused by unlawful state tax measures. Several provisions of the United States Constitution exist to address overreaching by the states when they seek to require interstate and foreign commerce to bear a "fair share" of taxation. Those protections reside in Articles I, §8, cl.3 (Interstate and Foreign Commerce Clauses), §10, cl.2 (Import and Export Clause), VI (Supremacy Clause), and Amendment XIV, §1 (Due Process and Equal Protection Clauses) of the Constitution. This discussion is limited to an examination of the Commerce Clause protections extended by the Constitution which more than amply protects consistent with the standards of GATT and GATS domestic and foreign companies transacting business in foreign commerce.

Under the Foreign Commerce Clause, states and their political subdivisions are only allowed to impose a tax obligation on business engaged in foreign commerce when the obligation:

1. Is applied to an activity with a substantial nexus with the taxing state;
2. Is fairly apportioned;
3. Does not discriminate against interstate commerce;
4. Is fairly related to the services provided by the taxing state;
5. Does not create a substantial risk of international tax multiplication; and
6. Does not prevent the Federal Government from speaking with one voice when regulating commercial relations with foreign governments.

Unless each and every requirement listed above is fully met, the tax obligation will fail under the Foreign Commerce Clause and the taxpayer who might have paid the tax will be entitled to meaningful relief. See *McKesson Corp.* v. *Division of Alcoholic Beverages and Tobacco*, 496 U.S. 18 (1990).

Since the adoption of the Constitution, the United States Supreme Court and state courts have addressed scores of state tax issues and found many to violate the Interstate and Foreign Commerce Clauses. In the past ten years alone, the Supreme Court has issued several opinions declaring invalid against the Commerce Clause state tax measures that bore on interstate and foreign commerce. Representative examples of but a few of those cases are found in Westinghouse Elec. Corp. v. Tully, 459 U.S. 1144 (1983); Bacchus Imports, Ltd. v. Dias, 468 U.S. 263 (1984); New Energy Co. of Indiana v. Limbach, 486 U.S. 269 (1988); Kraft General Foods, Inc. v. Iowa Dept. of Revenue and Finance, —— U.S. ——, 112 S.Ct. 2365 (1992). State courts also preserve the free flow of commerce. See HL Farm Corp. v. Self, 1994 WL 1927 (Tex.).

Our message is simple: the Constitution works, and has worked, for over two centuries as an instrument of free trade, federalism and tax fairness. That is why we have made the standards and procedures of the Constitution the foundation of our proposals for exclusions of certain state and local tax measures from the scope of the GATT and GATS. That proposal, combined with a further provision protecting states when they act on or implement federal law, would effectively harmonize the trade agreements with our system of federalism. We ask for your support for the MFN Exemptions and National Treatment Reservations that we have proposed.

Protecting the role of state and local governments in our nation is not an abstract or theoretical matter. The states have primary responsibility for meeting the domestic needs of the people of our nation. The states and their subdivisions maintain public order, educate future citizens and workers, maintain the essential infrastructure necessary for commerce and public life, and assist persons beset by misfortune or wrong choices to become productive members of society again. They do these tasks and more in a diversity of ways. That diversity is an important value of our federal system. States are laboratories of democracy and are a continuous source of innovation to meet a range of public needs. Endangering state tax sovereignty inevitably imperils the vitality and stability of our society.

Mr. CRAIG. Before closing, Mr. President, I would also like to mention that the WTO has not received accolades abroad.

Articles in various papers and journals have outlined concerns that our trading partners have on the structure of the World Trade Organization and issues of sovereignty.

Mr. President, after World War II, representatives from the United States and Great Britain designed a postwar economic system with three pillars: the World Bank, the International Monetary Fund, and the International Trade Organization [ITO].

The ITO was intended to be the administrating body covering the General Agreement on Tariffs and Trade [GATT]. As I mentioned earlier, Mr. President, the U.S. Congress rejected the ITO as a threat to U.S. sovereignty.

The Congress took that action despite warnings from beltway insiders that the failure to join this would certainly impede economic recovery for the entirety of the world.

Our predecessors realized that the United States and our trading partners did not need a bureaucracy. What they needed was free trade. And, of course, this Senate rejected it. And yet we saw the world go on to prosper, as GATT itself and as we worked in a voluntary way to promote free trade around the world.

Well, Mr. President, I hope that congressional wisdom will continue to prevail and that many of the questions I have spoken to today and others are speaking to about the World Trade Organization will be resolved to ensure our U.S. sovereignty and the very important question of States rights.

It is clearly time that we listened to the underpinnings of this amendment and that we are willing to stop for just a moment and do an extensive examination, as the amendment calls for, some 90 days' worth of examination, and respond to our attorneys general and to our State tax commissioners and to our Governors, who are concerned, as we should be, about the issue of our sovereignty and about the issue of States rights.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Vermont.

Mr. LEAHY. Mr. President, I will yield to the Senator from Montana in just a moment.

But assuming all the arguments made by all the supporters of the amendment by the Senator from South Carolina, we still come down to one major point. This is not the vehicle for it. This is an appropriations bill. This is not an authorizing bill.

We are going to have debates on implementing legislation for the GATT. There will be debates in the Finance Committee, as there will be in the Senate Agriculture Committee. I am perfectly willing to assume that the distinguished chairman of the Finance Committee, Senator MOYNIHAN, would oppose this, certainly on this appropriations bill, just as I, in my capacity as the chairman of the Senate Agriculture Committee, would oppose it. If you want to bring it up on implementing legislation, fine.

The other point to realize is, of course, every Senator has a right to speak on this as long as they want. But the fact of the matter is, this will not become law on this bill. It is not going to be accepted by the other body in the conference. It can mean that we could spend a lot of time putting our various foreign policy earmarks in this bill, and they will disappear. They will disappear in the continuing resolution that will be sent over by the other body sometime toward the end of September.

We can either pass a foreign operations bill, one that is designed to bring into play a number of significant earmarks and issues raised by some of my distinguished colleagues and by the distinguished Senator from Kentucky and by myself and some by others that are in this bill, and it will pass overwhelmingly. And they are not in the legislation from the other body.

But I guarantee you, this is not going to be able to be accepted if it is adopted here. All Senators should have the right to vote on it, and I hope they might very, very soon. They either vote to add it in or vote to keep it out. But it will not make it possible for us to conference a bill with it in and that will be accepted by this body or the other body, and we will end up with a continuing resolution without some of the country specific designations that we now have in our foreign aid in here.

That again is fine. Senators have to make up their own minds on that. I am not suggesting whether that is a good idea or a bad idea. I am just trying to point out the realities.

With that, I yield to my friend from Montana, who has proven time and again that he is one of the foremost experts the Senate has had on the whole issue of international trade, on the question of GATT and NAFTA, and numerous others.

I feel privileged to have him as a member of the Senate Agriculture Committee and a member of the Finance Committee. He is the chairman of the Environment and Public Works Committee. But he is a Senator that I turn to more and more in my career in the Senate on these issues of international trade because of his proven expertise.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the Senator from Vermont for his very kind words.

I understand, and I think most Members of the Senate understand, the concerns the Senator from South Carolina has, the Senator from Idaho has, and the concerns a lot of Americans have, over proposed Uruguay round agreements, including the World Trade Organization and particularly including the disputes settlement mechanism.

I think we all know this is the post-cold-war era. The world has changed. It has changed dramatically. Each country is now, to some degree, assuming an economic agenda a bit more than it has in the past, at least during the cold-war era. And that is probably the way it should be, each of us looking for a way to increase our economic position, to boost our incomes. American families are looking for ways to boost their incomes, as well they should. In fact, we here are doing what we can to help, in large respect, particularly American families to increase their incomes in this uncertain world we find ourselves in into the 1990's, and particularly into the next century.

I would like to follow on the words of the chairman of the Agriculture Committee, Senator LEAHY, in basically saying this resolution is not properly offered on this bill. This is an appropriations bill. This is not an authorizing bill. We are not here debating provisions of the Uruguay round. We are not here debating the provision of the implementing language that Congress, I think, will debate fairly quickly with respect to ratifying or not ratifying the proposed Uruguay Round Agreement.

In addition, I must say that it probably makes much more sense for these issues—and they are very good issues, and I have a lot of sympathy for and, in fact, agree with a good part of the statements that have been made thus far—to debate these in the ordinary course.

What is the ordinary course? The ordinary course is, of course, the Finance Committee will be working on implementing language. Senator MOYNIHAN, the chairman of the committee, has scheduled hearings this week and next, particularly next week, when he thought he would begin to go toward debating and adopting implementing language which goes to the questions raised by Senators who have previously spoken in favor of this resolution.

It is, I think, unwise to put the cart before the horse. By voting now in favor of this resolution, we, in a sense, would be putting the cart before the horse. It makes much more sense for the Congress, particularly the Senate, to look at the implementing language after it is drafted, and agree to the implementing language which addresses concerns raised by Senators in favor of this resolution.

Once the implementing language comes to the floor of the Senate, we will have ample, ample opportunity to debate the merits of that implementing language. That is the proper

course. I urge Senators to follow that course, because that course will result in a much better product.

We must also remember that it would be unwise to lose sight of the big picture. What is the big picture? The big picture, frankly, is there is a lot of good and, I think on a net basis, more good in the Uruguay Round Agreement. If Congress ratifies the Uruguay Round Agreement and if the other participating countries ratify it, we Americans will find that our GDP will increase $200 billion every year; a massive infusion, a massive addition to the United States gross domestic product because of provisions in the proposed Uruguay Round Trade Agreement.

Where are those benefits? One is in intellectual properties. Today, about $60 billion worth of American intellectual property—that is, goods for which we have trademarks that are copyrighted—are pirated by people in other countries to their benefit and to America's disadvantage.

The proposed world trade agreement, the proposed Uruguay agreement—they take very significant first steps. There was a "free rider" problem in the past; that is, some countries could adopt some portions of trade agreements and not others. This proposed trade agreement requires all countries to enact very significant intellectual property, copyright, and trademark protection that inures to the tremendous benefit of Americans because most intellectual property pirating is by other countries pirating American intellectual property. We still are the most creative society, the most creative country in the world. We generate more new ideas that we Americans copyright and provide intellectual property protection for than other countries. This agreement helps keep those dollars in the United States.

Second, this agreement opens new markets for American farmers, American agriculture. This agreement will open new markets by about a third. There are tremendous reductions in export subsidies that other countries enact that inure to our benefit. Generally, we Americans have about $1 billion of export subsidies helping promote our agricultural exports overseas. The European Union has about $10 billion—10 times what we have. This agreement provides for a 26-percent reduction in export subsidies. Obviously a 26-percent reduction of $10 billion the European Union has to face compared to the 26-percent reduction of $1 billion we Americans face means we come out ahead. We come out very much ahead because of the agriculture provisions in the round. Beyond that, there are generally major benefits in tariff reduction for manufactured products, reductions of about one-third.

So, all in all, it is important to realize that this agreement has tremendous provisions in it which will dramatically increase and give a boost to the American economy. That means more jobs for Americans.

Mr. President, it is true there are some concerns. One is the so-called secrecy provision referred to by the Senator from Idaho. That is a concern I have. I am quite concerned that the dispute settlement provisions in the proceedings in the World Trade Organization are not sufficiently transparent, they are too secret. We are going to address those provisions in the implementing legislation by providing that Americans can sit in on proceedings. They should sit in on proceedings. I think it is a real problem the Senator from Idaho properly raised. We are going to address that.

Second, we have concerns about American sovereignty—very real concerns about American sovereignty. I think it is important to point out, though, those same concerns exist today because today we Americans bring many more cases to the GATT than do other countries. Four-fifths of the time we Americans prevail in cases we bring to the GATT. Why do we bring more cases to the GATT than do other countries against us? Because we are the biggest country. We are the biggest consuming country. We are the wealthiest country. We Americans buy a lot of other countries' products and we are also the most open country.

By the way, that is a major benefit of the round in that it lowers other countries' barriers proportionately more than it lowers ours. But nevertheless, today we bring more cases to the GATT than other countries do. And we win four-fifths of the time.

Currently, any other single country can block a GATT panel decision in America's favor. All it takes is one country. The Reagan administration and the Bush administration frankly advocated and asked for, in the GATT negotiations, binding dispute settlement mechanisms so that no one country in the future could block. Because we are there more than other countries, we do not want other countries to block. Currently other countries can block with their one vote. Under the proposed agreement that will no longer be the case, so we will come out net beneficiaries.

Second, in those areas where a GATT panel rules against the United States today, and in the proposed agreement, we Americans—the U.S. Government—we reserve the authority to either agree or disagree; we reserve the authority to either change our law or not change our law in accordance with the GATT panel decision. That is what we have done in the past. That is also under this proposed agreement what we will do in the future.

For example, not too many years ago, the GATT panel ruled against the United States in the so-called tuna/dolphin case. That was a case where the U.S. Congress passed the Marine Mammal Protection Act, which essentially said countries which export tuna into the United States, tuna caught with fishing nets that catch dolphins—we could not import tuna caught that way into the United States. That went to a GATT panel. The GATT panel ruled against the United States.

What did we do? We Americans said: Sorry, we are not going to change our law. We have not changed our law. We still have the same law. Other countries have not retaliated.

Why have they not retaliated? Because we are still the biggest economic power in the world and I expect that will be the case in the future. The same thing under the proposed agreement. Let us say a panel rules against us, hypothetically. We reserve the right to either agree or disagree, reserve the right to either change the American law or not change.

Let us say we do not want to change our law. Other countries do have the right to retaliate just as they have today. But whether they do or do not will depend so much on circumstances and whether they want to take on the United States, which is the largest, strongest economic power in the world. So far they have not. I do not think they will in the future either. So there are a lot of answers to these earlier initial concerns that a lot of people had. Frankly, I think it is wise for us, again, not to put the cart before the horse.

I must also point out that we, the Finance Committee and others, are working with State governments and State associations to find ways to address the States rights concerns that the Senator from Idaho raised. Those are good points. They should be addressed and we will be addressing those.

Finally, to sum up, Mr. President, the U.S. Congress passed so-called fast-track legislation in 1988, renewed it in 1990, again in 1993. We in the Congress passed a law setting up this procedure. We wanted executive agreements. That is what the law says. That is what we wanted. That is what we provided. We are just here following the law that the Congress enacted which Republican Presidents have asked for, which Democratic Presidents have asked for. That is the process. Under that, we look at the implementing language. If we in the Senate agree with the implementing language, we ratify it. If we do not, we reject it. But we have not yet seen the language. So it is difficult not to prejudge it. I suggest we wait until we get the language, we in the Senate, and then make a judgment.

I tell my colleagues we in the Finance Committee, again, hear these concerns. Frankly, we are burning the midnight oil to address them because some of them are very real concerns.

Mr. CRAIG. Will the Senator yield?

Mr. BAUCUS. I will be happy to yield.

Mr. CRAIG. I think the Senator knows we share a concern about the importance of trade to the country and its economic well-being and place in the world. But I am pleased to hear the Senator speak about the dispute resolution provisions. There clearly are questions there that have to be answered. I did not say I would oppose GATT. I did come to the floor and speak to this amendment, as the amendment itself speaks to a concern, trying to bring together our best minds to try to solve these problems before we get ourselves into trouble. I think that is the essence of the amendment. It is not anti-GATT and was not intended to be.

What it is intended to do is to clarify what the World Trade Organization's authority is and how that might impact a State, and State tax commissions. I mean, when my State tax commissioners, who are very bipartisan, and when my State attorney general, who by the way is of your party and not mine, take the time to call me personally and say, "We have some very real problems here, Senator; you ought to address them before you vote on this thing," I think that is a legitimate concern. And that is what provoked me to begin to examine the details of the language of the World Trade Organization as proposed in this agreement, and why I am now a supporter of this amendment.

I guess I am surprised that we would want to oppose this amendment. I do not believe it is anti-GATT. I think it is desiring to create a situation and address the very request of the States attorneys general, and that is of a summit that brings out these issues and resolves them in the implementing language that you have suggested it could be resolved in.

I thank the Senator for addressing that issue.

Mr. BAUCUS. Just replying to the Senator, Mr. President, I oppose the amendment for two reasons: one, because it is premature; and, second, because it kills any ability of the Congress to consider whether or not to ratify the GATT this year because of the 90-day provision in the resolution.

I think it is premature for Congress today, with virtually no debate, to decide that under no circumstances are we going to take up the implementing language and whether or not to ratify the GATT this year. That is premature. Without looking at the implementing language, without trying to address the implementing language, I think the better course is to look at the implementing language, if it ever comes—I say to the Senator, there is a possibility the Senate may not take it up this year. In fact, I think it is not only a real possibility, but I think there is some probability that in the normal course of business, the Congress will not take up the Uruguay round this year.

I say that because I think the administration has done a very poor job in explaining what this is all about and explaining its benefits.

Second, I think the administration has done a very poor job in trying to find a way to pay for it. They have not consulted anyone on this side of the aisle; they have a few on your side of the aisle. I must say, it is a little strange to me that the President of the United States would first consult with Members on the minority side before he consulted with Members on the majority side.

Because of the poor job the administration has done, there is some probability that it may never come up this year. But if they get their act together, if it does come up before the Finance Committee soon, then I think we will have an opportunity to address these issues.

Mr. CRAIG. I thank the Senator for yielding again. That is why I do not believe the 90 days is deleterious to the whole issue. I think we have ample time and I think that is what the Senator felt when he offered the amendment; that we are not going to deal with it this year. I guess I must also react by saying I am not terribly surprised this President would come to the minority party when it comes to trade issues. I think he had to coalesce with them to get NAFTA through. He probably feels the same here.

My guess is, though, that if he resolves or works with us to resolve the very real questions of the World Trade Organization, it can become a very bipartisan base of support for GATT. If he fails to do that or if we fail to do that, my guess is that it will be a very bipartisan voice of opposition to this agreement, and we should not find ourselves there. We ought to know better and work out these differences before we get to this very important trade agreement for our country and the world.

Mr. BAUCUS. I appreciate that and, just to finish, we will more likely get a bipartisan agreement if we let the ordinary process continue than if we do not.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, I listened with great interest to our friend from Montana who said something that I did not realize. He said there is going to be "plenty of time" to debate GATT when it comes up on the floor.

One of the reasons I am apprehensive is that we have the fast track rules that are going to apply. Debate will be limited, I say to the Senator from Montana, to 20 hours, no more. Also, no amendment will be permitted, and that means that what should be a treaty will be approved—a treaty that no Senator knows much if anything about. I say to you, Mr. President, that this is a bad way to legislate, particularly for the U.S. Senate, which has always prided itself as being the world's greatest deliberative body.

So that leads me to the conclusion, Mr. President, that the U.S. Senate should overwhelmingly support the pending resolution offered by the distinguished Senator from South Carolina [Mr. THURMOND] and the others of us who have felt it is absolutely imperative that there be a delay in the submission to Congress of the GATT agreement until more public hearings are held.

Mr. President, I do not know how many people in the press gallery know one thing in the world about this GATT agreement or the World Trade Organization. If they profess to know anything about it, I would like to meet them outside. I want them to tell me what they know about it.

The Senate has the duty to study this massive agreement very carefully, and the Senate has not done that at all. We need to take a serious look at this agreement lest a tragic error be made in terms of the best interests of this country and the American people. So do not give me all this hogwash about we need to move along, or that this is not the right vehicle. It is always the "right vehicle" when you are trying to protest something that ought not happen.

There are many citizens who have many concerns about the WTO. Reference has been made to the State attorneys general—42 of them—who have written to me and to the President saying, "Please, hold up on this thing. We have fears about the attacks on the sovereignty of the United States."

Mr. President, I am sick and tired of this business of rolling things through the Senate not knowing one thing about what the Senate is doing in the process, just because a President says he would like to have it done.

If the President will send word up to the Senate that he is not going to trigger the fast track this year, the Thurmond amendment will be withdrawn. I have not checked it with Senator THURMOND, but I believe that if the President does not intend to trigger the fast track moving, that this argument is over. But, no, they are going to try to slip it through at the last minute—20 hours of debate and roll it into law.

Last week, 42 State attorneys general wrote to the President saying in effect, "Please, delay submitting the GATT agreement for consideration by the Senate so that a summit," as they put it, "a summit can be held to discuss how the World Trade Organization impacts on State laws." They are worried about State laws, and I am worried about U.S. laws.

State tax commissioners, or revenue commissioners as they are called in some States, have also expressed grave concerns.

No more than a handful of Senators—and let us be honest about this—have the vaguest notion what is in this massive trade document, and there have been very few hearings on it. The 42 State attorneys general are absolutely right, more hearings are imperative before this agreement is formally considered by the U.S. Senate.

Mr. President, we are not playing games here. We are talking about the sovereignty of the United States of America. This new trade agreement, and especially the World Trade Organization, could very well be a prelude to disaster.

One of the great privileges I have had in my life is to serve for 2 years as the junior Senator from North Carolina when Sam Ervin was the senior Senator. Sam Ervin had been one of the great constitutional scholars of our time. He was also my friend. We did not belong to the same party, but I had great affection and respect for him. I believe he had some for me. After he left the Senate, never a day passed that he did not call me or I call him. He was a great American.

One of his greatest apprehensions was the danger that international agreements so often posed to national sovereignty. Time and time again he called me and said, "JESSE, watch out for that." He often said, prior to the Vietnam war, that the United States never lost a war, nor won a treaty. I do not think this was original. I think Will Rogers, or somebody, said it first. But it is well worth bearing in mind.

Mr. President, I have done my best to uphold Sam Ervin's concerns, and as long as I am in the Senate, I will continue to make that effort.

But let me make this point. We hear the glib comment: "Well, this is so good for trade." What kind of trade? What kind of attacks on sovereignty? I will bet you that there are not 10 Senators, if that many, who could tell you how many pages there are in this agreement. I will tell you, it is 825 pages long. It is enough to give you a hernia trying to carry it around, and it has 22,000 pages of addenda. Do you want to bet me that 10 Senators know what is in it? You will lose.

In reading parts of this GATT agreement, I found myself amazed. This agreement, as I have indicated, creates an entirely new international institution. They call it the World Trade Organization, which is going to replace the old GATT organization. It has some flaws that Senators ought to bear in mind.

The WTO takes away the ability of the United States to veto decisions that are harmful to the best interests of the United States. We have a right to veto in the United Nations but not in the World Trade Organization. One might refer to this organization as a "United Nations of World Trade," except the United States does not have a veto anymore.

Everybody favors expanding world trade. I find myself a little bit nauseous at these pious declarations: "Well, we must have more world trade." Of course, we all want to eliminate world trade barriers. But while I am for world trade, I am flat out against world government. And I believe the majority of the American people feel the same way about it.

Mr. President, let me specify just a few of the concerns that I have with this so-called World Trade Organization. It is impossible to mention all of them here; it would take the rest of the afternoon. I do not want to do that. But let us go over a few of them. Later on, if anybody wants to hear, I will add a few dozen more concerns.

But, first, under this World Trade Organization, the United States of America, which is supporting about half the world with foreign aid, has only 1 vote out of 117. Many important votes will be cast in the next 10 or 25 years if and when this World Trade Organization goes into being and becomes effective. Votes to amend and votes to interpret the provisions of the WTO. The WTO will decide how to interpret all of these 22,000 pages of addenda and 825 pages of the agreement.

Since we have only that one vote, we may very well be outvoted by Third World countries just as we are in the United Nations where 83 of the countries vote against the United States 50 percent of the time. At least we have the power of the veto in the United Nations. But we have nothing but one vote in the World Trade Organization. These countries vote against the United States in the United Nations—think about them in terms of the World Trade Organization: Cuba, Uganda, Ghana, Chad, Zimbabwe, Cameroon, Bangladesh, Cyprus. At least at the United Nations, I reiterate for the purpose of emphasis, the United States can veto decisions with which the United States disagrees because of the adverse effect on the best interests of this country.

Second, under this World Trade Organization that is going to be put on a fast track—20 hours of debate, and bye-bye birdie, into law it goes—the United States gets one vote, but the United States will pay 20 percent of the budget of the World Trade Organization. They are socking it to Uncle Sugar again.

Why do the American taxpayers always end up on the short end of the stick? They end up paying most of the tab for these international organizations. That bothered Sam Ervin and it bothers me. It does not bother the news media. You will not read one thing about this debate in the Washington Post tomorrow morning. It will be the best kept secret in American journalism. And that suits me just fine. But if it is possible to have any effect whatsoever in slowing down this fast track that will be imposed on the U.S. Senate, or better put, upon the American people, I am going to try to do it.

We no longer have the veto to stop the bad decisions. Under the old GATT each country could effectively exert a veto over a bad decision by not agreeing to adopt the panel's final decision. That is the way it used to be. This would preclude another country from retaliating against the United States.

Under the new World Trade Organization as it is proposed to be, a country can no longer stop the panel decisions. These World Trade Organization decisions will be automatically adopted unless the winner agrees to drop the case. And how many winners do you think are going to do that? Therefore, if the United States, hypothetically, loses a case in the new World Trade Organization, what options do we have?

First option. When I say this, Mr. President, Sam Ervin is going to spin in his grave. The United States can change its laws to conform with the World Trade Organization. Or the United States could pay compensation. Or the United States could face trade retaliation. Those are the three options we have.

Mr. President, the United States will face incredible pressure, do you not see, to change a law that offends somebody in another country. It is like having a gun held to Uncle Sam's head: Change your law, give us money, or we will shoot you. It sounds like certain sections of Washington, DC, at 3 in the morning.

It seems to me, Mr. President, that the sovereignty of the United States is so clearly at risk and we are faced so obviously with such consequences if we refuse to change our laws. STROM THURMOND is right in sending forward his resolution. I do not care whether it is an appropriations bill. I do not care whether some think it is not the right bill. I have managed many a bill since I have been in the Senate, and I have never objected to anybody's offering an amendment in the context of his apprehension or her apprehension that the best interests of this country would not be served otherwise. I challenge anybody to check the record and see if I have ever objected. I may not have voted for it, but I have never complained such a serious amendment was not on the right vehicle. And I never will.

Mr. LEAHY. Will the Senator yield?

Mr. HELMS. Yes.

Mr. LEAHY. I do not know if I misunderstood the Senator.

Mr. HELMS. I yield for a question.

Mr. LEAHY. Is the Senator suggesting that the manager of the bill said that Senators did not have a right to offer an amendment to this bill?

Mr. HELMS. No, I did not say that.

Mr. LEAHY. Then I misunderstood the Senator. Was the Senator suggesting that the manager of the bill has in any way impeded the ability of anybody to offer this amendment?

Mr. HELMS. If the Senator will repeat all after the word "suggesting," I will appreciate it.

Mr. LEAHY. Is the Senator suggesting the manager of the bill was in any way impeding any Senator from being able to offer the amendment now before us?

Mr. HELMS. Obviously not, because the manager of the bill does not have the right to do that in the first place, does he?

Mr. LEAHY. No. In fact, the manager of the bill has said——

Mr. HELMS. Mr. President, I have no personal animus——

Mr. LEAHY. It is not appropriate on an appropriations bill but that everyone would have a chance to argue——

Mr. HELMS. The Senator has to state his point with the question mark. I am saying to the Senator that I have no personal animus against the chairman of the Senate Agriculture Committee. I understand, because I have been in his shoes, the desire to move a piece of legislation that he is managing. But I am saying that the statements that I constantly hear, "Oh, we must not do this to this bill," I think the spirit of and meaning of the U.S. Senate is for the Senate to speak its will on what Senators—even a minority of Senators—feel is bad principle for this country.

Mr. LEAHY. Will the Senator yield further for another question?

Mr. HELMS. Yes, sir.

Mr. LEAHY. Would the Senator accept that this is authorizing legislation on an appropriations?

Mr. HELMS. Absolutely. That does not mean a thing to the American people, and it means very little to me. I think that the Senate ought to consider vital issues. We have authorizing bills. We have appropriations bills. As a general rule, it is fine to go ahead and have a delineation of the two. However, I have not seen an appropriations bill in a long time that did not have a lot of legislation in it. Do you see what I mean?

I am saying to the Senator that I am so concerned about this sovereignty issue that I intend to have my full say, and if I offend the Senator, I apologize to him.

Mr. LEAHY. If the Senator will yield for a question, I hope he does not think that I am suggesting he is criticizing me. I was in the Cloakroom and missed part of what he said. That is why I was trying to find out what he was saying.

The Senator is not suggesting that the manager of this bill would in any way try to cut off the debate of any Member on this issue.

Mr. HELMS. No, because the Senator cannot do it, unless there are 60 votes.

Mr. LEAHY. Will the Senator yield for a further question?

Would it not have been possible if the Senator who is managing the bill—is it not a fact that the Senator urged Senators to come to the floor, and did not move to table as he obviously could have under the law? In fact, is it not the fact that the Senator says he wants to make sure that every Senator has been heard on this subject prior to making a motion to table, something that was available to the Senator from Vermont, and would have cut off debate on this particular issue?

Mr. HELMS. If I understand what the Senator is saying—and if it is a question, I did not hear a question mark at the end—in the first place, any Senator who moves to table an amendment with nobody on the floor will find themselves in serious personal difficulty the next time he has something. So I know the Senator from Vermont would not do that. He is an honorable man. He is a good legislator and a good Senator.

But I do not think I will yield for any more questions. I think the two Senators, Senator LEAHY and Senator HELMS, understand each other. I will probably wind up here in a little bit so somebody else can have the floor.

Mr. President, under the old GATT, the General Agreement on Tariffs and Trade, each country could effectively exert that veto that I discussed over an undesirable decision by not agreeing to adopt the panel's final decision. That is what I was saying before the distinguished Senator from Vermont asked his several questions.

A fourth concern is the impact that the new World Trade Organization can have on State laws, and those 42 attorneys general have addressed that situation very, very clearly. Foreign countries, do you not see, have the ability to challenge the laws of any one or all of the 50 States of the Union. All they have to do is file a case with the World Trade Organization. Canada, as a matter of fact, did exactly that sort of thing when it challenged the tax laws on beer of some 40 U.S. States, and Canada won. Now the administration is trying to convince some States to change those laws.

But under the new World Trade Organization, the Federal Government will put pressure on States to change law. As a result, obviously, many States may be compelled to change some of their laws. That is why the attorneys general of the 42 States wrote a collective letter to President Clinton expressing their concern. These 42 attorneys general requested that a State-Federal consultation summit be held either this month, July, or next month, August, before the administration submits the implementing bill. And the THURMOND resolution responds to the concerns of the States' attorneys general and calls for a delay so that this summit can take place.

That is a valid amendment, whether it is an appropriations bill, or authorization bill, or anything else because that takes precedence in my mind over any other thing. When we start playing around with the sovereignty of the United States of America, that is time for the Senate to act under whatever rule it chooses.

Let me read a little bit of what the attorneys general wrote to Mr. Clinton. It said:

> DEAR MR. PRESIDENT: As defenders of State laws, State attorneys general have a particularly keen interest in State sovereignty. The Uruguay Round of the General Agreement on Tariffs and Trade, which is expected to be submitted to Congress under fast-track authority soon, appears to have broad implications for States' self government. Given the paramount importance that the U.S. Constitution assigns to States' rights, we would like to request a State-Federal consultation summit on this issue to be held in July or August before the administration submits implementing legislation.

Mr. President, does that sound familiar? That is exactly what STROM THURMOND is asking the Senate to approve. Forty-two attorneys general in the United States have asked the President to do this. I do not know whether they received a reply from him or not. Then the letter says:

> We are requesting a summit to give State officials the benefit of a thorough airing of the concerns about how the Uruquay Round and the proposed World Trade Organization would affect State laws and regulations. Many State officials still have questions about how some of our State laws and regulations would fare under the WTO.

I will say, parenthetically, you bet they have concerns, and the U.S. Senate, all 100 of us, ought to have the same concerns about Federal law, and Federal sovereignty.

The letter goes on to say:

> As you know, the U.S. Trade Representative's office is charged with an interesting set of responsibilities. On the one hand, its primary responsibility is to promote U.S. exports and international trade. Yet, on the other hand, the Trade Representative's office is charged with the responsibility of protecting State sovereignty and defending State law [any State law] challenged in the various international dispute tribunals. Given the inevitable conflict in fulfilling both sets of these responsibilities, we would like to take advantage of the proposed summit to clarify a range of serious concerns, including: One, whether the implementing legislation adequately guarantees States that the Federal Government will genuinely consider accepting trade sanctions rather than pressuring States to change State laws which are successfully challenged in the WTO.

Mr. President, I will say to the distinguished manager of the bill on the Republican side—I see him smiling—I do not know who wrote this letter. But whoever wrote it ought to get a bonus because the author of this letter, who is speaking for the 42 State attorneys general, is hitting it right on target.

The second thing they indicate is "whether States have a guaranteed right and formalized process in which they could participate in defending their own State laws." Of course. These State attorneys general are right on

target. Then they say: "We want to know whether the USTR is required to engage in regular consultation with the States, and involve any State whose measures may be challenged in the defense of that measure at the earliest possible opportunity."

That is another great point.

Then they want to know "whether parties challenging a State measure under GATT will be able to prevail based on the fact that one State law is simply more or less restrictive than another State," and "whether GATT grants any private party a right of action to challenge a State law in Federal court," and so on and so on.

I ask unanimous consent that the full letter of the 42 attorneys general be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF MAINE, DEPARTMENT OF THE ATTORNEY GENERAL,
Augusta, ME, July 6, 1994.

Hon. WILLIAM J. CLINTON,
President of the United States,
Washington, DC.

DEAR PRESIDENT CLINTON: As defenders of State laws, State Attorneys General have a particularly keen interest in State sovereignty. The Uruguay Round of the General Agreement on Tariffs and Trade (GATT), which is expected to be submitted to Congress under fast-track authority soon, appears to have broad implications for State self-government. Given the paramount importance that the U.S. Constitution assigns to State's rights, we would like to request a State-Federal Consultation Summit on this issue, to be held in July or August, before the Administration submits implementing legislation. Although we have agreed to take the lead on this issue, because it affects all State officials, an invitation would be extended to State executive and legislative branches as well.

We are requesting a Summit to give State officials the benefit of a thorough airing of concerns about how the Uruguay Round and the proposed World Trade Organization (WTO) would affect State laws and regulations. Many State officials still have questions about how some of our State laws and regulations would fare under the WTO and its dispute resolution panels. This is of particular concern given that some of our trading partners have apparently identified specific State laws which they intend to challenge under the WTO.

As you know, the U.S. Trade Representative's Office (USTR) is charged with an interesting set of responsibilities. On one hand, its primary responsibility is to promote U.S. exports and international trade. Yet, on the other hand, the Trade Representative's Office is charged with the responsibility of protecting State sovereignty and defending any State law challenged in the various international dispute tribunals. Given the inevitable conflict in fulfilling both sets of these responsibilities, we would like to take advantage of the proposed Summit to clarify a range of serious concerns, including:

Whether the implementing legislation adequately guarantees States that the federal government will genuinely consider accepting trade sanctions rather than pressuring States to change State laws which are successfully challenged in the WTO.

Whether States have a guaranteed right and a formalized process in which they can participated in defending their own State laws.

Whether the USTR is required to engage in regular consultation with the States, and involve any State whose measures may be challenged in the defense of that measure at the earliest possible opportunity.

Whether parties challenging a State measure under GATT will be able to prevail based on the fact that one State law is simply more or less restrictive than another State's.

Whether GATT grants any private party a right of action to challenge a State law in federal court.

Whether an adverse WTO panel decision can be interpreted as the foreign policy of the United States without the subsequent ratification of the Congress and the President.

Whether GATT panel reports and any information submitted by the States to the USTR during the reservation process are admissible as evidence in any federal court proceeding.

Whether a panel decision purporting to overturn State law shall be implemented only prospectively.

Whether the federal government may sue a State and challenge a State measure under GATT without an adverse WTO panel decision.

How will adverse WTO panel decisions impact State laws covering pesticide residues, food quality, environmental policy including recycling, or consumer health safety, where State standards are more stringent than federal or international standards.

Whether so-called "unitary taxation," which assesses the State taxes corporations pay on the basis of a corporation's worldwide operations, be illegal under GATT.

Whether States may maintain public procurement laws that favor in-State business in bidding for public contracts.

How well protected is a State law if it is included within the coverage of U.S. reservations to the new GATT agreements.

Whether the United States can import some due process guarantees into the WTO dispute resolution system, now that the negotiations are over, the WTO panel proceedings remain closed and documents confidential.

In responding to our request for this GATT Summit, please have staff contact Christine T. Milliken, Executive Director and General Counsel of the National Association of Attorneys General, at (202) 434-8053. Although the Association has taken no formal position on this issue, the Association provides liaison service upon request when fifteen or more Attorneys General express an interest in a key subject.

Further, the Association through action at its recent Summer Meeting has instructed staff to develop in concert with the Office of U.S. Trade Representative an ongoing mechanism for consultation. The Association participates in several federal-state work groups, principally with the U.S. Department of Justice and also with the U.S. Environmental Protection Agency that might serve as a starting point for developing a model for an effective ongoing dialogue with the USTR on emerging issues in this key area.

Respectfully yours,
MICHAEL E. CARPENTER,
Attorney General of Maine.

The following attorneys general signed the letter:

Alabama: Jimmy Evans; Alaska: Bruce M. Botelho; Arizona: Grant Woods; Colorado: Gale A. Norton; Connecticut: Richard Blumenthal; Delaware: Charles M. Oberly, III; Florida: Robert A. Butterworth; Hawaii: Robert A. Marks; Idaho: Larry EchoHawk; Illinois: Roland W. Burris; Indiana: Pamela Fanning Carter; Iowa: Bonnie J. Campbell; Kansas: Robert T. Stephan; Kentucky: Chris Gorman; Maine: Michael Carpenter; Maryland: J. Joseph Curran, Jr.; Massachusetts: Scott Harshbarger; Michigan: Frank J. Kelley; Minnesota: Hubert H. Humphrey, III; Mississippi: Mike Moore; Missouri: Jeremiah W. Nixon; Montana: Joseph F. Mazurek; Nevada: Frankie Sue Del Papa; New Hampshire: Jeffrey R. Howard; New Jersey: Deborah T. Poritz; New Mexico: Tom Udall; New York: G. Oliver Koppell; North Carolina: Michael F. Easley; North Dakota: Heidi Heitkamp; Northern Mariana Islands: Richard Weil; Ohio: Lee Fisher; Oregon: Theodore R. Kulongoski; Pennsylvania: Ernest D. Preate, Jr.; Puerto Rico: Pedro R. Pierluisi; Rhode Island: Jeffrey B. Pine; South Carolina: T. Travis Medlock; Tennessee: Charles W. Burson; Texas: Dan Morales; Utah: Jan Graham; Vermont: Jeffrey L. Amestoy; Virginia: James S. Gilmore, III; Washington: Christine O. Gregoire; West Virginia: Darrell V. McGraw, Jr.; Wyoming: Joseph B. Meyer.

Mr. PRESSLER. Will my friend yield for a friendly question?

Mr. HELMS. Mr. President, I thought he was friendly—he being the distinguished Senator from Vermont. As I said to the Senator from Vermont, I have no animus against him at all. He and I have been friends ever since he came to the Senate, and certainly the Senator is my friend.

Mr. PRESSLER. Would it not be true that this should be a treaty based on the criterion that has been established? There was a report by the Senate Foreign Relations Committee on when a treaty is a treaty, and is it not true that they outline four points: That the parties intend the agreement to be legally binding, subject to international law, deal with significant matters, as this agreement does, and it specifically describes the legal obligations of the parties, and the form indicates that intention to include a party on the substance rather than forms of the governing factor. Furthermore, to conclude my question, the Senate Finance Committee debated this in 1947.

Mr. HELMS. Exactly.

Mr. PRESSLER. The chairman was Eugene D. Milliken. Perhaps my friend knew him. I am not asking anything about his age here, merely a question. The Finance Committee suggested the following test be determined: Whether a treaty should be submitted to the Senate for a two-thirds approval.

Is it not true that they state the proper distinction is when we go beyond conventional marks, duties, customs, and management of foreign trade commerce, the point where the proper field of treaty comes in, whenever you come to the matter where there is substantial disparagements of our sovereignty, to a matter where sanctions may be imposed against the United States, exactly what this does, by an international body, then you have entered the field for treaties; is that not

true that the Finance Committee and Foreign Relations Committee both had such findings?

Mr. HELMS. The Senator is exactly right. He anticipated a point I was going to make later, which I will not make because he has made it so eloquently.

But the real point is that I have an aversion to the fast track in general, because I think it complicates the life of any Senator who really wants to perform adequately and completely in defense of the principles of this country. I do not say that anybody connected with WTO, or anybody who supports it, is not in favor of protecting the sovereignty of this country. But this fast track, which somebody sort of ingeniously fabricated in recent years, does not permit the Senate to study a treaty to the complete satisfaction of every Senator. This business of saying we are going to discuss it fully is just absolutely nonsense. We are allocated 20 hours, which is stipulated by the fast track rules.

Mr. President, State tax officials wrote a letter that states the following:

> We are deeply concerned about the power over state and local taxes that the new General Agreement of Tariffs and Trade [GATT] will give the World Trade Organization [WTO]. Our analysis reveals that these provisions will undermine state and local fiscal sovereignty and likely favor business over U.S. taxpayers.
>
> We have no objections to those provisions of the GATT designed to encourage trade. However, the WTO provisions applicable to State and local taxes exceed legitimate trade concerns. They are likely to have unintended, but significant, consequences for State sovereignty and federalism.

Furthermore, the Federation of Tax Administrators and the Multistate Tax Commission prepared a report that talked about the GATT case that Canada brought challenging dozens of State beer tax laws. The report concluded:

> The Beer II panel struck at the very heart of federalism. The panel's reasoning leaves no room for different laws based on different local circumstances, nor for any range of judgment, regardless of absence of any discriminatory intent in those judgments, to be exercised by different State sovereigns. Indeed, the combination of the least restrictive measure standard and the acceptance of de facto arguments leaves all State law potentially at risk of being subject to challenge under the aegis of GATT.

Mr. President, the concerns of 42 State attorneys general and the tax administrators are very legitimate. Dozens or perhaps hundreds of State laws could be attacked by foreign countries. As a matter of fact, the European Union issued a book entitled "Report on United States Barriers to Trade and Investment." This report contains 111 pages of Federal and State laws that the EU claims are barriers and that the Europeans may challenge in the WTO.

Mr. President, some claim that there is no sovereignty problem because the United States can ignore a bad decision and not change our law. What kind of reasoning is that? Our sovereignty, it seems to me, is affected when the courses of action that the United States can take are restricted.

The fact is, the United States will face serious consequences if we ignore a WTO decision. If we refuse to change our law, then we will face trade retaliation from the winning country. Relations is a nice word for a trade war. The only other alternative is to settle the case by paying the winner some kind of compensation—like money—which comes from the taxpayers' pockets.

Mr. President, the concern is real: The United States has lost several GATT cases—the beer case, the tuna dolphin case to name a couple. The administration is trying to change the beer tax laws in the implementing bill. And the United States is about to lose another one—the Germans have challenged our gas guzzler tax and our CAFE laws. The retaliation in these two alone could be in the hundreds of millions of dollars.

Let me read a few quotes from several news articles that are quite revealing:

From the BNA Report—March 28, 1994:

> A GATT panel ruled in 1989 that section 337 discriminates unfairly against foreign imports. A GATT panel ruling in 1992, initiated by Canada, found that the United States was imposing unfair excise taxes on imports of Canadian beer. The administration plans to implement two panel rulings of the GATT.

From the Wall Street Journal—March 18, 1994:

> The Clinton administration is preparing to withdraw a clean-air regulation challenged by Venezuela under the GATT. Officials concluded at a White House meeting this week that the regulation would have to be withdrawn and modified because in its present form it was likely to violate GATT.

From the Journal of Commerce—March 11, 1994:

> Two rulings expected soon from the trade-monitoring General Agreement on Tariffs and Trade could require changes in the U.S. environmental law GATT members are challenging aspects of U.S. fuel economy standards that some argue are tougher for foreign manufacturers.

Mr. President, how many U.S. laws could be challenged? If we want to maintain U.S. laws that the WTO finds are illegal, will we face a trade war? How much money will the United States have to pay to settle a case to avoid a trade war? Are we prepared to pass those costs along to the American taxpayer?

Mr. President, these are just a few examples of issues that merit serious and thoughtful debate. I urge the Congress to support this resolution that calls for a 60-day delay. Forty-two State attorneys general want more time. And the Congress should take time to hold more hearings on this serious subject.

Well, Mr. President, I have occupied the floor longer than I intended. Senator PRESSLER is here.

I thank the Chair for recognizing me, and I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise in animated opposition to this measure. It would be such a departure from our procedures and such a loss to the Nation that it is difficult to imagine that we are even debating it now.

Yesterday, Mr. President, I came to the floor as chairman of the Committee on Finance, which is the committee that will be principally occupied with the question of the Uruguay round. But the Committee on Agriculture will have real responsibilities, and they will be part of the final legislation. And I sent a message—as I hoped to do—to the administration saying two things: No. 1, we were disturbed to read in the Wall Street Journal on Friday that White House aides were not sure the Congress would get to the Uruguay round implementing legislation in this Congress, which is exactly the opposite of our intention. And that Friday story appeared 1 day after we sent notice to each member of the Finance Committee that next Tuesday, July 19, we would begin marking up the implementing legislation.

We have been hard at work for the better part of a year. The Uruguay round was finally approved in December of last year, and initialed in Marrakesh in April. We have been steadily at work on this matter, under the fast track procedures that were specifically approved, overwhelmingly approved, in the Senate for the specific purpose of giving President Clinton the authority to finish up the negotiation, which was done. That negotiation took 7 years. It was the initiative in the first place of President Reagan; President Bush pursued it, and President Clinton was on hand at the conclusion. But it is a wholly bipartisan measure. And I said yesterday, and will repeat, that it marks the culmination of 60 years of American trade policy.

From the time that Cordell Hull, Secretary of State under President Roosevelt, began the reciprocal trade agreements, trying—too late, as it happened—to bring the world back from the closed trading system that was precipitated by the Smoot-Hawley tariff of 1930. In the course of about 3 years, world trade dropped 60 percent, depression deepened everywhere, totalitarian regimes came to power in Europe, the expansionist Japanese "Co-Prosperity Sphere" began in the Far East, the British Commonwealth moved away from free trade and went to a Commonwealth preference, unemployment reached 25 percent in our country—well, it was too late to prevent the Second World War that followed in the wake of these events.

Smoot-Hawley was not the only event that led to that war, but a profoundly important event.

In the aftermath of the war, our Government thought to create a series of international economic organizations that would learn the lessons of the 1930's. We would learn about currencies and exchange rates, and so we created the International Monetary Fund. We would learn about the movement of capital, and we would create the International Bank for Reconstruction and Development, now known as the World Bank; and we would learn from the disaster of beggar-thy-neighbor trade policies of the 1930's, the disaster which began on this floor, sir, and would create an international trade organization.

The World Bank was put in place, and the Monetary Fund was put in place. The International Trade Organization was not. It died in the Senate Finance Committee. But a temporary arrangement, the General Agreement on Tariffs and Trade, was worked out in Geneva. As I remarked yesterday, I can recall from the negotiations of the Long-Term Cotton and Textile Agreement of 1962, when the GATT consisted of Eric Wyndham White, former British treasury official and civil servant, and a few secretaries in a small villa looking over the city of Geneva.

(Mr. ROBB assumed the chair.)

Mr. MOYNIHAN. But now after 7 years of negotiations, we have produced a world agreement with 117 nations which eliminates tariffs by about a third across the world, contemplates the end of agricultural subsidies such that American farm exports can have the place to which they economically are entitled in world trade, ensures intellectual property rights in developing nations, and does an extraordinary range of other things. It is a 22,000-page agreement, if you include the country schedules.

It creates a World Trade Organization, basically the same mechanism that was anticipated back in 1945 and 1946. It is, as the GATT is, a forum in which trade issues are worked out, new agreements are reached, as was the Uruguay round, an agreement under the GATT. The next such world agreement will be under the World Trade Organization. And there is a dispute settlement mechanism.

People who trade together will have disputes, and they have an interest in arranging for their resolution.

As to the United States and Canada, my friend from North Carolina was mentioning that. When we had the United States-Canadian Free-Trade Agreement, we put in a dispute settlement arrangement. It did not threaten the sovereignty of Canada; it did not threaten the sovereignty of the United States. It just means that we get these things settled. Sometimes the cases will go against you, and sometimes they will go for you. That is the way trade is. There are many, many issues involved.

In no sense does this new organization contemplate changing American domestic law.

I have a letter here from the distinguished jurist, Robert H. Bork, who wrote to Ambassador Kantor on May 26 saying that it is impossible to see a threat to this Nation's sovereignty posed by either the World Trade Organization or the dispute settlement arrangement.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ROBERT H. BORK,
Washington, DC, May 26, 1994.

Ambassador MICHAEL KANTOR,
Office of the U.S. Trade Representative, Washington, DC.,

DEAR MR. AMBASSADOR: I understand that opposition to the Uruguay Round agreements has focused on the creation of the World Trade Organization [WTO]. The claim, which was also made with respect to NAFTA, is that the WTO is a threat to the sovereignty of the United States.

It is difficult to resist the conclusion that some of those who make this claim are actually opposed to the lowering of tariff and non-tariff barriers in international trade. The protectionist impulse is strong but it is contrary to the best interests of American business, workers, and consumers.

The sovereignty issue, in particular, is merely a scarecrow. Under our constitutional system, no treaty or international agreement can bind the United States if it does not wish to be bound. Congress may at any time override such an agreement or any provision of it by statute. (The President would, or course, participate as the Constitution provides in the enactment of such a statute.) Congress should be reluctant to renege on an agreement except in serious cases, but that is a matter of international comity and not a loss of sovereignty.

The same observations apply to the Dispute Settlement Understanding [DSU]. A mechanism for settling trade disputes is essential if the aims of the Uruguay Round agreements are to be achieved. It is extremely unlikely that any country will agree with all recommendations as to the resolution of the disputes in which it is involved. There is no dispute resolution process anywhere that can achieve that result. Once again, however, recommendations made under the DSU do not bind Congress and the Executive Branch unless those departments of government choose to be bound.

Protection of U.S. sovereignty, however, does not depend solely on the undoubted ability of our political branches to nullify or modify agreements or recommendations. The WTO itself contains numerous safeguards concerning procedures which protect not only the sovereignty but the interests of all nations, including the United States. It appears that these safeguards are either the same as or stronger than those already existing in the GATT, under which we have operated successfully for decades.

In sum, it is impossible to see a threat to this nation's sovereignty posed by either the WTO or the DSU. Any agreement liberalizing international trade would necessarily contain mechanisms similar to those in the Uruguay Round agreements. The claim that such mechanisms are a danger to U.S. sovereignty is not merely wrong but would, if accepted, doom all prospects for freer trade achieved by multi-national agreement.

Yours truly,

ROBERT H. BORK.

Mr. MOYNIHAN. Mr. President, to continue what I was saying yesterday, the Finance Committee, having worked on this for the better part of a year, next Tuesday, if we get a signal from the President and get from the President the financing mechanism which he proposes, we will proceed to draft legislation. They will do the same or are doing the same on the House side. We will work our bills together.

Then, under this arrangement we have worked out, having in mind that disaster of 1930, we will transmit to the President this legislation which he will propose to us as a bill. We will have drafted this legislation. It will be a bipartisan effort in the Finance Committee, and several other committees.

The proposal to give the President an extension of his fast-track negotiating authority passed the Finance Committee a year ago 18 to 2, so the President could go to the G–7 summit in Tokyo, and say we are ready to finish up this negotiation, which was done in about 6 months' time.

This would stop it. This would cost hundreds of thousands of jobs. This could be the kind of decision that we made in the thirties that triggered a world depression and helped trigger a world war.

I am not arguing we are about to do that, but we can break up after the cold war into separate trading blocs. We could do that. There is a whiff of that in the world right now and the realization that, no, do not—a thousand economists wrote President Hoover saying, "Do not sign that Smoot-Hawley tariff." He signed it anyway, and the 1930's commenced, ending with war.

I am not making any such melodramatic proposals, but I am saying this could be the end of the free-trading system that the United States has triumphantly put in place. We have in the Uruguay round the culmination of 60 years of American foreign trade policy that has taken place through Presidents Roosevelt, Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, Reagan, Bush, and Clinton. This particular measure, I would remind my friends in the Senate, the Uruguay round was initiated by President Reagan, having been given the authority to do so under the fast-track mechanism by the Congress.

President Reagan got going very well indeed. President Bush proceeded. It took 7 years. And then when the time ran out and the newest President in line, in this case Mr. Clinton, needed an extension of fast-track authority, we gave it to him because we want this.

Mr. President, there is an organization put together recently called the Alliance for GATT Now. It represents 200,000 American businesses. It is an astonishing list. Any Member of the Senate would want to look at it to see the firms from his or her own State, to see firms that are in just about every State.

The organization is headed by the distinguished chairman of Texas Instruments, Jerry Junkins with whom I have met and discussed this matter at some length.

I think this organization, if anything, could be said to represent the judgment of the American business community, that this is a job-creating, wealth-creating agreement, a measure that the United States has worked for and now is about to achieve.

I ask unanimous consent that the membership of the Alliance for GATT Now be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALLIANCE FOR GATT NOW MEMBERSHIP

3M (St. Paul, MN).
Abbott Laboratories (North Chicago, IL).
ABI Irrigation, Inc. (Monroeville, PA).
A.C. Products Inc. (Apple Creek, OH).
Access International Markets, Ltd (Milwaukee, WI).
Ace Hardware Corporation (Oak Brook, IL).
Aerospace Industries Association (Washington, DC).
Aetna Life & Casualty Company (Hartford, CT).
Air L.A. (Los Angeles, CA).
Air Products and Chemicals, Inc. (Allentown, PA).
Aire-Mate Inc. (Westfield, IN).
AlliedSignal Inc. (Morristown, NJ).
Almerica Overseas, Inc. (Tuscaloosa, AL).
The Aluminum Association, Inc. (Washington, DC).
AMC Entertainment Int'l (Kansas City, MO).
America's Voice Communications (Studio City, CA).
American Assoc. of Exporters & Importers, (New York, NY).
American Brands, Inc. (Greenwich. CT).
American Business Conference (Washington, DC).
American Cyanamid Company (Wayne, NJ).
American Electric Power Company, Inc. (Columbus, OH).
American Electronics Association (Washington, DC).
American Express Company (New York, NY).
American Furniture Manufacturers Association (Washington, DC).
American Home Products Corp, (Madison, NJ).
American Insurance Association (Washington, DC).
American International Group (New York, NY).
American Iron & Steel Institute (Washington, DC).
American Maize Products Co. (Stamford, CT).
American Mining Congress (Washington, DC).
American Petroleum Institute (Washington, DC).
American President Companies (Oakland, CA).
American Standard (New York, NY).
Ameritech (Chicago, IL).
Amoco Corporation (Chicago, IL).
AMP Incorporated (Harrisburg, PA).
Ampacey International (Tarrytown, NY).
AMR Corporation (Dallas, TX).
Anheuser-Busch Companies (St. Louis, MO).
Antelope Valley Board of Trade (Lancaster, CA).
APAN Corporation (Owings Mills, MD).
Applause, Inc. (Woodland Hills, CA).
ARCO (Los Angeles, CA).
Argyle Atlantic Corporation (Phoenix, AZ).
Armstrong World Industries (Lancaster, PA).
Arthur Andersen & Co., SC (Chicago, IL).
Arvin Industries Inc. (Columbus, IN).
ASARCO, Inc. (New York, NY).
Asea Brown Boveri, Inc. (Stamford, CT).
Ashland Oil, Inc. (Ashland, KY).
Associated Merchandising Corp. (Washington, DC).
Association of American Railroads (Washington, DC).
Association of International Automobile Manufacturers (Arlington, VA).
AT&T (Basking Ridge, NJ).
A.T.C.I. (Richardson, TX).
Atlanta Customs Brokers (Atlanta, GA).
Avon Products, Inc. (New York, NY).
Azimex International (Greenwood Lake, NY).
Azon USA Inc. (Kalamazoo, MI).
Baker Hughes Inc. (Houston, TX).
Baldor Electric Company (Fort Smith, AR).
Bane One Corp. (Columbus, OH).
Bankers Trust Corp. (New York, NY).
Baxter International Inc. (Deerfield, IL).
Bechtel Group Inc. (San Francisco, CA).
Beehive Botanicals (Hayword, WI).
Bell Atlantic (Philadelphia, PA).
BellSouth Corporation (Atlanta, GA).
Bethlehem Steel Corporation (Bethlehem, PA).
BFC Industries (Bremen, IN).
BFGoodrich Company (Akron, OH).
The Black & Decker Corporation (Towson, MD).
BMC Specialties (Columbia, SC).
The Boeing Company (Seattle, WA).
Booth & Associates (Scottsdale, AZ).
BP America (Cleveland, OH).
Bridgestone/Firestone, Inc. (Nashville, TN).
Bristol-Myers Squibb Co. (New York, NY).
Browning-Ferris Industries (Houston, TX).
Bruce Foods Corporation (New Iberia, LA).
Burlington Northern International Services, Inc. (Fort Worth, TX).
The Business Roundtable (Washington, DC).
BW/IP International, Inc. (Long Beach, CA).
Cable & Wireless, Inc. (Vienna, VA).
California Chamber of Commerce (Sacramento, CA).
California Council for International Trade (San Francisco, CA).
Campbell Soup Company (Camden, NJ).
Capital Cities/ABC (New York, NY).
Cargill (Minneapolis, MN).
Carolina Power & Light Company (Raleigh, NC).
Carolyn Warner and Associates (Phoenix, AZ).
CASAS International Brokerage (San Diego, CA).
Cascade Corporation (Portland, OR).
Case Logic, Inc. (Longmont, CO).
Caterpillar, Inc. (Peoria, IL).
Cemex/Sunwest Materials (Washington, DC).
Ceridian Corporation (Minneapolis, MN).
Cezadon Group, Inc. (Indianapolis, IN).
Chase Manhattan Bank (New York, NY).
Chemical Banking Corporation (New York, NY).
Chemical Manufacturers Association (Washington, DC).
Chevron Corporation (San Fransisco, CA).
The Chubb Corp. (Warren, NJ).
CIGNA Corporation (Philadelphia, PA).
Cintron Lehner Barrett, Inc. (Dallas, TX).
Circuit City Stores, Inc. (Richmond, VA).
Citicorp/Citibank (New York, NY).
Citizens for a Sound Economy (Washington, DC).
Clarklift of San Diego, Inc. (San Diego, CA).
Cleveland-Cliffs Inc. (Cleveland, OH).
Clorox Company (Oakland, CA).
Coalition for Open Markets & Expanded Trade (Washington, DC).
Coalition of New England Companies for Trade (Washington, DC).
Coalition of Service Industries (Washington, DC).
The Coca-Cola Company (Atlanta, GA).
Coergon, Inc. (Boulder, CO).
Colgate-Palmolive Company (New York, NY).
The Columbia Gas System, Inc. (Wilmington, DE).
Columbia Healthcare Corp.
Committee for Economic Development (Washington, DC).
Committee on Pipe and Tube Imports (Washington, DC).
Computer & Business Equipment manufacturers Association (Washington, DC).
Computer & Communications Industry Association (Washington, DC).
ConAgra (Omaha, NE).
Connell Company (Westfield, NJ).
Consumers for World Trade (Washington, DC).
Cooper Industries (Houston, TX).
Copper & Brass Fabricators Council, Inc. (Washington, DC).
Corn Refiners Association, Inc. (Washington, DC).
Corning Incorporated (Corning, NY).
Corpus International (Ellicott City, MD).
Cosmopolitan Business Comm., Inc. (Arvada, CO).
CPC International, Inc. (Englewood Cliffs, NJ).
Crane Cams, Inc. (Daytona Beach, FL).
Creed Rice Company, Inc. (Houston, TX).
CSX Corporation (Richmond, VA).
Cummins Engine Co., Inc. (Columbus, IN).
Curtis Dyna-Fog Ltd. (Westfield, IN).
Custom Duplication (Inglewood, CO).
Customs Consultants (No. Tonawanda, NY).
Daimler-Benz Washington (Washington, DC).
Dana Corporation (Toledo, OH).
Data General Corp. (Westboro, MA).
Davis, Keller & Davis (Langley, WA).
Dayton Hudson Corporation (Minneapolis, MN).
Deere & Company (Moline, IL).
Delta Air Lines, Inc. (Atlanta, GA).
Denver Business & Economics Council (Denver, CO).
Detroit Diesel Corporation (Detroit, MI).
The Dial Corporation (Phoenix, AZ).
Digital Equipment Corporation (Maynard, MA).
Distilled Spirits Council of the U.S. (Washington, DC).
Dodge-Reupol, Inc. (Lancaster, PA).

R.R. Donnelley & Sons Company (Chicago, IL).
Dormont Mfg. Co. (Export, PA).
Dow Chemical Company (Midland, MI).
DPL Inc. (Dayton, OH).
Dresser Industries (Dallas, TX).
Drexel Chemical Company (Memphis, TN).
E.J. Du Pont de Nemours & Co., Inc. (Wilmington, DE).
The Dun & Bradstreet Corp. (New York, NY).
Duracell International (Bethel, CT).
E'Lan International, Inc. (Newport Beach, CA).
Eastman Chemical Company (Kingsport, TN).
Eastman Kodak Co. (Rochester, NY).
Eaton Corporation (Cleveland, OH).
EBCO Manufacturing Company (Columbus, OH).
EBW, Inc. (Muskegon, MI).
Ecology International Ltd., Corp. (Akron, OH).
Economic Development Consortium (Georgetown, SC).
Ed Garber Associates (Los Angeles, CA).
EDS Corporation (Washington, DC).
Electronic Industries Association (Washington, DC).
Eli Lilly and Company (Indianapolis, IN).
Emergency Committee for American Trade (Washington, DC).
Emerson Electric Company (St. Louis, MO).
Engle-Hambright & Davies, Inc. (Lancaster, PA).
Enron Corporation (Houston, TX).
Equipment Manufacturers Institute (Chicago, IL).
The Equitable Companies Inc. (New York, NY).
Ernst & Young (New York, NY).
Eubanks Engineering Co. (Monrovia, CA).
Exxon Corporation (Irving, TX).
Fairfield Chair Company (Lenoir, NC).
Fairmount Minerals, Limited (Chardon, OH).
Faison-Stone, Inc. (Irving, TX).
Federal Express Corporation (Memphis, TN).
Filter Specialists, Inc. (Michigan City, IN).
First Brands Corporation (Danbury, CT).
Fluor Corporation (Irvine, CA).
FMC Corporation (Chicago, IL).
Food Marketing Institute (Washington, DC).
Ford New Holland, Inc. (New Holland, PA).
Gannett Co., Inc. (Arlington, VA).
GenCorp Inc. (Fairlawn, OH).
General Electric Co. (Fairfield, CT).
General Mills, Inc. (Minneapolis, MN).
General Motors Corporation (Detroit, MI).
General Tire, Inc. (Akron, OH).
George Koch Sons, Inc. (Evansville, IN).
Georgia Ports Authority.
Gilbert & VanCampen Int'l (New York, NY).
The Gillette Company (Boston, MA).
Global Export & Import (Reseda, CA).
Global Manufacturing, Inc. (Little Rock, AR).
Global Overseas Services, Inc. (Houston, TX).
The Goodyear Tire & Rubber Co. (Akron, OH).
Grant Thornton (Los Angeles, CA).
Great West International, Inc. (Englewood, CO).
Greater Dallas Chamber of Commerce (Dallas, TX).
Greater Houston Partnership (Houston, TX).
Greater Miami Chamber of Commerce (Miami, FL).
Greater San Diego Chamber of Commerce (San Diego, CA).
Grocery Manufacturers Association (Washington, DC).
Groth Corporation (Houston, TX).
Grupo Cisneros International (Lakewood, CO).
GTE Corporation (Stamford, CT).
Halliburton Co. (Dallas, TX).
Hallmark Cards, Inc. (Kansas City, MO).
Harris Associates/The Oatmark Funds (Chicago, IL).
Harris Corporation (Melbourne, FL).
Hasbro Inc. (Pawtucket, RI).
Health Industry Manufacturers Association (HIMA) (Washington, DC).
Henry Vogt Machine Company (Louisville, KY).
Hercules Incorporated (Wilmington, DE).
Hershey Foods Corporation (Hershey, PA).
Heublein, Inc. (Washington, DC).
Heukel Corporation (Ambler, PA).
Hewlett-Packard Company (Palo Alto, CA).
HHS Export Trading Company (Alhambra, CA).
Hidden Creek Industries (Troy, MI).
Honeywell Inc. (Minneapolis, MN).
Horix MFG. Co. (Pittsburgh, PA).
Household International (Prospect Heights, IL).
Hufcor, Inc. (Janesville, WI).
IBM Corp. (Armonk, NY).
IKR Corporation (Houston, TX).
Illinois Corn Growers Assoc. (Bloomington, IL).
Illinois Department of Agriculture (Springfield, IL).
Illinois Tool Works (Glenview, IL).
IMCERA Group, Inc. (Northbrook, IL).
Importmex (Baltimore, MD).
Indiana Chamber of Commerce (Indianapolis, IN).
Information Technology Association of America (Arlington, VA).
Ingersoll-Rand Company (Woodcliffe Lakes, NJ).
Inland Empire International Business Association (Moreno Valley, CA).
InouMar Products, Inc. (Houston, TX).
Intel Corporation (Santa Clara, CA).
Intellectual Property Committee (Washington, DC).
Intellectual Property Owners Association (Washington, DC).
International Association of Drilling Contractors (Washington, DC).
International Business Consultants (Lakewood, CO).
International Business Services I.B.S. (Chicago, IL).
International Insurance Council (Washington, DC).
International Mass Retail Association (Washington, DC).
International Paper Company (New York, NY).
International Public Relations Affiliates (Long Beach, CA).
International Services, USA (Austin, TX).
International Trade Advisor (Berwyn, PA).
Interpro, Inc. (Phoenix, AZ).
Inverness Corp. (Fairlawn, NJ).
ITT Corporation (New York, NY).
J.C. Penney Company, Inc. (Dallas, TX).
J.L. Marketing, Inc. (Fenton, MO).
J.R. Simplot Company (Boise, ID).
Johnson & Johnson (New Brunswick, NJ).
Johnson Controls, Inc. (Milwaukee, WI).
Johnson Matthet, Incorporated (Wayne, PA).
Joseph A. McKinney Consulting (Waco, TX).
Joseph E. Seagram & Sons, Inc. (New York, NY).
KMart Corporation (Troy, MI).
Kellogg Company (Battle Creek, MI).
Kentucky World Trade Center (Lexington, KY).
Kerr-McGee Corporation (Oklahoma City, OK).
KPMG Peat Marwick (New York, NY).
The Kroger Company (Cincinnati, TX).
Latin American Consulting, Inc. (Kent, WA).
Lectro Engineering Co. (St. Louis, MO).
Leeward, Inc. (Dallas, TX).
Levi Strauss Associates (San Francisco, CA).
LFP Capital (Los Angeles, CA).
The Limited, Inc. (Columbus, OH).
Lindsay International Corp. (Houston, TX).
Litton Industries, Inc. (Beverly Hills, CA).
Long Island Foreign Trade Zone Authority (Ronkonkoma, NY).
The LTV Corporation (Cleveland, OH).
M.G. Maher & Company, Inc. (New Orleans, LA).
Made In Mexico, Inc. (Chula Vista, CA).
Malichi Diversified, Ltd. (Indianapolis, IN).
Manitowoc Company, Inc. (Manitowoc, WI).
Marketeck International (Tampa, FL).
Marriott Corporation (Bethesda, MD).
Marsh & McLennan Companies (New York, NY).
Marsheider & Company (Cincinnati, OH).
Martin K. Eby Construction Co. (Wichita, KS).
Martin Marietta Corporation (Bethesda, MD).
Maryland Department of Agriculture (Annapolis, MD).
Master Chemical Corporation (Perrysburg, OH).
Mattel Toys (El Segundo, CA).
Maytag Corporation (Newton, IA).
McDermott International Inc. (New Orleans, LA).
McDonnell Douglas Corporation (St. Louis, MO).
McDowell Services Company (Cleveland, OH).
McGraw-Hill, Inc. (New York, NY).
MCI (Washington, DC).
McKesson Corporation (San Francisco, CA).
Melton Truck Lines, Inc. (Tulsa, OK).
Merck & Co., Inc. (Whitehouse Station, NJ).
Merrill Lynch & Co., Inc. (New York, NY).
Metallia (Washington, DC).
Metropolitan Life Insurance Co. (New York, NY).
Miami Valley Marketing Group, Inc. (Dayton, OH).
Michigan Manufacturers Association (Lansing, MI).
Microfax, Inc. (Arvada, CO).
Mid-America World Trade Center (Wichita, KS).
Migrandy Corp. (Merritt Island, FL).
Miles, Inc. (Pittsburgh, PA).
Milwaukee Heart, S.C. (Milwaukee, WI).
Milwaukee Minority Chamber of Commerce (Milwaukee, WI).
Mobil Corporation (Fairfax, VA).
Mobile Area Chamber of Commerce (Mobile, AL).
Monsanto Company (St. Louis, MO).
J.P. Morgan & Company, Inc. (New York, NY).
Morgan Stanley & Company, Inc. (New York, NY).
Morrison Knudsen Corp. (Boise, ID).
Mosler Inc. (Hamilton, OH).
Motor & Equipment Manufacturers Association (Washington, DC).
Motorola (Schaumburg, IL).

MSI United Ltd. (Seattle, WA).
N. Merfish Supply Co. (Houston, TX).
Nalco Chemical Company (Naperville, IL).
National Apparel & Textile Association (Seattle, WA).
National Association of Beverage Importers, Inc. (Washington, DC).
National Assoc. of Hosiery Manufacturers (Charlotte, NC).
National Association of Insurance Brokers (Washington, DC).
National Association of Manufacturers (Washington, DC).
National Business Products (Ste. Genevieve, MO).
National Electrical Manufacturers Association (Washington, DC).
National Foreign Trade Council (Washington, DC).
National Grain and Feed Association (Washington, DC).
National Intergroup, Inc. (Pittsburgh, PA).
National Retail Federation (Washington, DC).
National Semiconductor Corp. (Santa Clara, CA).
NationsBank (Charlotte, NC).
New England/Canada Business Council (Boston, MA).
New York Life Insurance Co. (New York, NY).
NIKE, Inc. (Beaverton, OR).
NOR-AM Chemical Company (Wilmington, DE).
Norfolk Southern Corporation (Norfolk, VA).
North American Chemicals, L.C. (Houston, TX).
Nuffer, Smith, Tuder, Inc. (San Diego, CA).
NYNEX (New York, NY).
Occidental Petroleum Corp. (Los Angeles, CA).
Ohio Machinery Co. (Broadview Heights, OH).
Olin Corporation (Stamford, CT).
Oliver Rubber Company (Oakland, CA).
Organization for International Investment (Washington, DC).
Orion Corporate Funding, Inc. (Englewood, CO).
Ortho-Kinetics, Inc. (Waukesha, WI).
Owens-Corning Corp. (Toledo, OH).
Paccar Inc. (Bellevue, WA).
Pacific Enterprises (Los Angeles, CA).
Pacific Northwest International Trade Association (Portland, OR).
Pacific Telesis Group (San Francisco, CA).
Palocor Corporation (Dallas, TX).
The Paz Group (Carrollton, TX).
Pearson's Inc. (Thedford, NE).
Peavey Electronics Corp. (Meridian, MS).
Pennzoil (Houston, TX).
Pensacola Area Chamber of Commerce (Pensacola, FL).
PepsiCo (Purchase, NY).
The Perkin-Elmer Corporation (Norwalk, CT).
Pfizer Inc. (New York, NY).
Pharmaceutical Manuf. Assn. (Washington, DC).
Pharr Chamber of Commerce (Pharr, TX).
Phelps Dodge Corporation (Phoenix, AZ).
PHH Corporation (Hunt Valley, MD).
Philip Morris Companies Inc. (New York, NY).
Pina County Board of Supervisors (Tucson, AZ).
Port of New Orleans (New Orleans, LA).
Port of Oakland (Oakland, CA).
Potomac Electric Power Co. (Washington, DC).
PPG Industries, Inc. (Pittsburgh, PA).
Praxair, Inc. (Danbury, PA).
Precision Machine & Engineering (Phoenix, AZ).
Premark International, Inc. (Deerfield, IL).
Price Waterhouse (New York, NY).
Prince Mfg. Corporation (Sioux City, IA).
Principal Financial Group (Des Moines, IA).
The Procter & Gamble Company (Cincinnati, OH).
Professional Machine and Tool (Wichita, KS).
The Promus Companies (Memphis, TN).
The Prudential Insurance Company of America (Newark, NJ).
PSI Resources (Plainfield, IN).
Puratil, Inc. (Doraville, GA).
Quaker Fabric Corporation (Fall River, MA).
The Quaker Oats Company (Chicago, IL).
Raytheon Company (Lexington, MA).
Reader's Digest Association (Pleasantville, NY).
Reckitt & Coleman, Inc. (Wayne, NJ).
Red Devil Incorporated (Union, NJ).
Rendo Company (Fresno, CA).
Riverwood International Corp. (Washington, DC).
Roadway Services, Inc. (Akron, OH).
J.D. Robinson, Inc. (New York, NY).
Rockwell International Corp. (Seal Beach, CA).
Rohm and Haas Company (Philadelphia, PA).
Rome Area Chamber of Commerce (Rome, NY).
Rotunda, Inc. (Columbus, OH).
Royal Appliance Mfg. Co. (Cleveland, OH).
Ryder System, Inc. (Miami, FL).
Saint-Gobain Corporation (Valley Forge, PA).
San Diego Economic Development Corp. (San Diego, CA).
SaniServ (Indianapolis, IN).
Santa Fe Pacific Corp. (Schaumburg, IL).
Sara Lee Corporation (Chicago, IL).
Sayett Group, Inc. (Pittsford, NY).
Schering-Plough Corporation (Madison, NJ).
Sears, Roebuck and Co. (Chicago, IL).
Semiconductor Industry Association (San Jose, CA).
Shell Oil Company (Houston, TX).
SIFCO Industries (Cleveland, OH).
A.O. Smith Corporation (Milwaukee, WI).
Society of the Plastics Industry, Inc. (Washington, DC).
Solomon Brothers (New York, NY).
Southern California Edison Co. (Rosemead, CA).
The Southern Company (Atlanta, GA).
Southern States Cooperative (Richmond, VA).
Spalding & Eventlo Co., Inc. (Tampa, FL).
Springs Industries (Fort Mill, SC).
Sprint Corporation (Shawnee Mission, KS).
St Publications Inc. (Cincinnati, OH).
Stafford & Paulsworth (Blue Bell, PA).
State Farm Insurance Companies (Bloomington, IL).
Sun Microsystems (Mountain View, CA).
Sundstrand Corporation (Rockford, IL).
SunWest Foods, Inc. (Davis, CA).
SuperValu (Minneapolis, MN).
Syracuse University School of Management (Syracuse, NY).
Tacoma-Pierce County Chamber of Commerce (Tacoma, WA).
Telect Inc. (Liberty Lake, WA).
Tenneco Inc. (Houston, TX).
Texas Instruments (Dallas, TX).
Textron, Inc. (Providence, RI).
Thomas International Publishing Co., Inc. (New York, NY).
The Times Mirror Company (Los Angeles, CA).
TLC Beatrice Inter. Holdings (New York, NY).
Tomlinson Industries (Cleveland, OH).
Toner Service Co., Inc. (St. Louis, MO).
Toy Manufacturers of America, Inc. (New York, NY).
The Travelers Corporation (Hartford, CT).
TRW Inc. (Cleveland, OH).
Tubacero International Corporation (Houston, TX).
TURCK Inc. (Plymouth, MN).
Tyco International Ltd. (Exeter, NH).
U.S. Chamber of Commerce (Washington, DC).
U.S. Council for International Business (Washington, DC).
UAL Corporation (Chicago, IL).
Union Camp Corporation (Wayne, NJ).
Union Carbide Corporation (Danbury, CT).
Union Pacific Corp. (Bethlehem, PA).
Unisys Corp. (Blue Bell, PA).
United Distillers (Stamford, CT).
United Parcel Service (UPS) (Atlanta, GA).
United States Surgical Corporation (Norwalk, CT).
United Technologies Corporation (Hartford, CT).
Unitog Co. (Kansas City, MO).
Universal Metals & Mach., Inc. (Houston, TX).
Unocal Corporation (Los Angeles, CA).
UNUM Corp. (Portland, ME).
The Upjohn Company (Kalamazoo, MI).
Utilx Corporation (Kent, WA).
Valve Manufacturers Association (Washington, DC).
Viasoft Inc. (Phoenix, AZ).
VME North America (Asheville, NC).
VSI Catalog Communications International (Riverside, CA).
Vulcan Industries, Inc. (Missouri Valley, IA).
Warnaco (New York, NY).
Warner-Lambert Company (Morris Plains, NJ).
Warren and Company (Washington, DC).
Watkins Manufacturing, Inc. (Evendale, OH).
WCI Steel, Inc. (Warren, OH).
Wells Fargo & Company (San Francisco, CA).
Weltron Company (Morgan Hill, CA).
Westinghouse Corp. (Pittsburgh, PA).
Westvaco Corporation (New York, NY).
Wharton Export Network (Philadelphia, PA).
Whirlpool Corp. (St. Joseph, MI).
Wilbur-Ellis Co. (Edenburg, TX).
The Williams Companies, Inc. (Tulsa, OK).
Wimarco International (South Euclid, OH).
Wisconsin Manufacturers & Commerce (Madison, WI).
Witco Corporation (New York, NY).
WMX Technologies (Oak Brook, IL).
Woolworth Corporation (New York, NY).
World Trade Center Portland (Portland, OR).
Xerox Corporation (Stamford, CT).
Yuma Economic Development Corp. (Yuma, AZ).
Zenith Electronics Corp. (Glenview, IL).
Zero Tariff Coalition (Washington, DC).
Zurn Industries (Erie, PA).

Mr. MOYNIHAN. Mr. President, I would like to express my own personal appreciation to Mr. Jerry Junkins of Texas Instruments, who is doing a civic duty, and I think properly so, in heading up the organization.

And so, Mr. President, I would speak to my friend, the manager of the bill, the chairman of the subcommittee, and urge that we do not continue this matter any further. The Committee on Finance, as well as Agriculture and Foreign Relations and others, will take up

this matter. It will come to us. We will have time to debate it on the floor in the manner that we have done in the past.

Mr. President, I ask consent to submit a statement by the chairman of the Committee on Foreign Relations, Senator PELL, a strong opponent of the measure before us, for the RECORD.

Mr. PELL. Mr. President, this amendment raises several issues of concern to the Foreign Relations Committee. First, the amendment suggests that existing procedures under which trade agreements are treated as executive agreements rather than as treaties be changed. It is my view that Congress has been well served by the current practice of considering trade agreements as Executive agreements and placing them in the primary jurisdiction of the Finance Committee.

Second, it raises concern about a potential threat to U.S. sovereignty posed by the World Trade Organization. The committee held an extensive hearing on this subject last month, and I am fully satisfied that the WTO does not present any threat to U.S. sovereignty.

The WTO does not affect Congress' sole right to change U.S. law nor does it create a new powerful international organization. The WTO reaffirms current GATT practice of making decisions by consensus. In the rare instances that the WTO would vote, the voting procedures in the WTO would strengthen the hand of the United States and weaken the power of smaller countries by requiring a higher majority for decisions than is currently required in the GATT. In addition, under the rules of the WTO, any provision or amendment affecting substantive U.S. rights and obligations expressly requires U.S. approval.

I urge my colleagues to defeat the Thurmond amendment.

Mr. MOYNIHAN. Mr. President, I believe that I have made such remarks as I have had in mind. Seeing no one else seeking recognition, I suggest we vote.

Mr. LEAHY. I am perfectly willing to go to a vote on this.

Mr. MOYNIHAN. May I propose that we do?

Mr. LEAHY. I have been advised by some on the other side that Senator THURMOND may wish to speak for another minute or two.

Have the yeas and nays been ordered, Mr. President?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. LEAHY. And if the yeas and nays were ordered, then it would take unanimous consent to either withdraw the amendment or vitiate the yeas and nays?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I do not want to dissuade the Senator from South Carolina. I want to talk for a minute or so, but then we will go to a vote, unless I am advised he is about to come back.

Mr. President, I want to thank the distinguished Senator from New York for his comments. The distinguished Senator from New York carries tremendous burdens, not the least of which, of course, is the fact that he is the lead figure in trying to put together a health care package that this country can be able to afford. I know that he has taken time from what was a tremendously busy day on other matters to come over and discuss this.

I hope that Senators will listen to what the Senator from New York said. There will be a place to debate GATT. There is going to be a time to debate implementation language in the committee of the Senator from New York, in the Finance Committee. There will be a chance to debate some aspects of it in the Agriculture Committee, although I would note that, because of a dispute involving our neighbor to the north, we may be delayed in the Agriculture Committee some considerable time before we get to the implementing legislation, only because we are distracted, some of us, not the least of which is the chairman, somewhat distracted by this dispute taking place in Canada and the inability of the administration to focus on aspects of that debate and the inability of the administration to fully comprehend the interests of some producers of commodities in our country and apparently are unaware of the fact that our valued neighbor to the north has taken advantage of the United States. But I am sure that at some point they might get around to noting that.

Canada is nearby. I would invite any of our trade negotiators to come to Vermont with me and I can drive them to Canada, if they would like. It is only about an hour from my own home in Vermont. Once they have had a chance to look at this issue, we could go forward and set a schedule for implementing legislation in the Agriculture Committee. Otherwise, we may have to take the full time allotted to us.

But the distinguished Senator from New York has laid out the reasons why this should not be on this bill, as did the distinguished Senator from Montana, and I hope that I have.

This is an appropriations bill for foreign operations.

Obviously anybody can bring up anything they want, and probably will, but I would suggest that if people are serious about getting this legislation passed with some of the things that a vast majority of Senators support, then they ought to go ahead and do so. If, however, they hope to take out some of the country specific items that we have here, this is as good a way as any to do it.

The distinguished Senator from New York is here and I yield to him.

Mr. MOYNIHAN. I thank the Senator.

Mr. President, I see my friend from South Carolina has come to the floor, so I will be very brief.

Mr. President, I have a message from the President for the Senate. I have just talked to the chief of staff, Mr. Leon Panetta, who is on Air Force One returning from Georgia with the President.

He asked that I say to the Senate, and I say to the distinguished manager of the legislation and to my friend from South Carolina, that the President is absolutely committed to getting the Uruguay round implementing legislation passed this year; that he also made the commitment to our trading partners in the G–7 summit in Naples that this would be done. He very much hopes that he might have the cooperation of this body in this legislation and that this amendment might be withdrawn in the spirit of comity which is so characteristic of the one time President pro tempore, the most distinguished Senator from South Carolina.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont [Mr. LEAHY].

Mr. LEAHY. Mr. President, I am perfectly willing to go to a vote on this amendment. I advise the Senator from South Carolina, I was told he may wish to speak further, so I did not suggest that we go to a vote until he had a chance to come back to the floor.

Mr. THURMOND. I thank the Senator very much. I will speak a little bit further.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina [Mr. THURMOND].

Mr. THURMOND. Mr. President, earlier today, I introduced, along with several of my colleagues a resolution regarding the GATT negotiations. At this time, I would like to expand upon some of my previous remarks.

This morning I discussed the WTO and how it will have an effect on the sovereignty of our country. This supranational governing body will settle trade disputes and impose fines, sanctions, or make the United States change its law to comply with WTO decisions. However, I would suggest that if you do not want to take my word concerning this issue—if anyone does not want to take that word, maybe you will listen to 42 attorneys general. Let me read from the AP newswire concerning a recent letter the attorneys general sent to President Clinton. It reads:

ATTORNEYS GENERAL WRITE CLINTON ON GATT

(By Francis X. Quinn)

AUGUSTA, ME.—Led by Maine's Michael Carpenter, more than 40 state attorneys general are asking President Clinton to hold a state-federal summit on the potential domestic impact of new global trade rules.

In a letter signed by his counterparts from around the nation, Carpenter asked Clinton this week to agree to a summit this summer before the administration submits legislation to implement provisions of the Uruguay Round of the General Agreement on Tariffs and Trade.

Carpenter said state officials seek "a thorough airing of concerns about how the Uruguay Round and the proposed World Trade Organization would affect state laws and regulations."

"This is of particular concern given that some of our trading partners have apparently identified specific state laws which they intend to challenge under the WTO," Carpenter wrote.

Carpenter, who recently announced he will not seek re-election but plans to serve out the remainder of his term this year, said questions raised by sate officials concerning GATT are similar to those put to federal officials last year about the North American Free Trade Agreement.

The October 1993 letter urging increased protections for the states under NAFTA was sent to U.S. Trade Representative Mickey Kantor by Texas Attorney General Dan Morales.

States lock horns frequently with the federal government in legal disputes over whether local statutes violate national laws. Proponents of state sovereignty say they worry that states may be left without a forum to contest undesirable by-products of international trade pacts.

Carpenter said one illustrative example might be a state's ban on chemicals used to treat fruits or vegetables that could be subject to attack by a foreign government under new global trading rules.

More broadly, he said countless state standards could be vulnerable "anything that another country could say is a trade restriction."

"We can't say that this law or that law is in jeopardy, but we're very concerned," Carpenter said Thursday in a brief interview.

He said the states share "sort of a generalized anxiety." Besides writing with other attorneys general directly to Clinton on Wednesday, Carpenter himself also sent a letter to Kantor, thanking him for offering to have his staff meet next week with representatives of individual attorneys general as well as their national association.

Carpenter wrote that a series of meetings with administration officials could allow state representatives to propose changes in legislation to be submitted to Congress.

"Such an opportunity to engage in a real dialogue with the administration over the state's federalism concerns may give greater focus to the proposed summit or make its occurrence somewhat less urgent," Carpenter told Kantor.

Carpenter said Thursday the state expressions of concern were not meant to embarrass the administration. He said the attorneys general hoped to build a permanent structure that could speed reviews of future trade deals, "so that we can be involved before the deal is done."

Mr. President, that is the purpose here—before the deal is done. It is too late after the deal is done. This is merely a study we are asking for, in this resolution.

Mr. President, these 42 individuals are charged with upholding the laws of their States. If they have some concerns regarding how GATT and WTO are going to affect their efforts, then we should listen carefully to their concerns.

Another group of individuals that have also shown concern about the WTO are the State tax commissioners. Like the attorneys general, the tax commissioners are worried the WTO will render State laws useless. More specifically, the tax commissioners are worried that the Federal executive branch will have the authority to preempt State and local laws without congressional authorization, companies and foreign governments will use the Federal commerce clause to overturn State and local laws, States will have to pay retroactive taxes if a case is decided against the State, the States will not be notified about WTO cases against them nor will they have the ability to defend themselves when cases are brought against the State.

Mr. President, the tax commissioners and the attorneys general appear to have valid concerns with the authority of the WTO. One can only imagine what State and local taxes and laws that could be challenged under the WTO. Further, the investigations into whether these items are an unfair trade barrier can be conducted without even contacting the State or locality. It does not seem fair that actions can be taken against States and localities without the right to defend themselves.

In June of this year, I made a statement here on the Senate floor concerning the creation of the WTO and its effect on our country, as follows:

Those of us who were serving in the Senate during some of the previous GATT rounds have heard many of the same arguments that the Clinton administration is making in regard to this agreement. Basically, this agreement will solve our trade problems and open foreign markets for U.S. goods. A brief review of history shows that we did not accomplish our goals. After the 1979 round was completed, we saw a major decline in the steel, textile and apparel, and electronics industries. At the same time, these industries were struggling to survive due in part to the closed markets of other countries.

Mr. President, now reading from an article from the Associated Press news wire:

FRANCE, U.S. CLASH ANEW ON TRADE AT G7

(By Paul Taylor)

NAPLES, ITALY—A bitter dispute between France and the United States on liberalising world trade flared anew on Friday when the French rejected President Bill Clinton's call for a fresh review of trade barriers.

Clinton told a news conference he would urge leaders of the Group of Seven industrial powers at their Naples summit to take a new axe to remaining restrictions following last year's GATT world trade accord.

U.S. officials listed among the issues financial services, telecommunications, biotechnology, intellectual property rights, investment rules and airline landing rights—all problems on which Washington was frustrated in the GATT negotiations.

But French President Francois Mitterrand told Japanese Prime Minister Tomiichi Murayama that countries which had just signed the GATT treaty in April after seven years of difficult talks, lowering many trade barriers, needed "a breathing space."

"The president's wish, which he will spell out to Mr. Clinton, is to avoid any excessive haste," Mitterrand's spokesman Jean Musitelli told reporters.

Musitelli also said France had not been invited to a meeting of trade ministers called by Italy on the fringes of the annual G7 summit on Saturday and did not consider it appropriate. The Italian Trade Ministry said that trade ministers, not normally part of the G7 summit line-up, would discuss fresh initiatives to free up world commerce at Washington's request.

Musitelli said France learned of the "novel, bizarre and unprecedented" meeting by rumour and believed it was "not the type of meeting which is appropriate for the work of the G7." He said Britain too had not been included.

But the Italians said trade ministers of all seven countries had been invited to the Saturday afternoon meeting, and so far Germany, Canada, Japan and Italy had said they would attend.

U.S. Trade Representative Mickey Kantor and European Union Trade Commissioner Sir Leon Brittan will also take part. British officials said Trade Secretary Michael Heseltine could not come to Naples but Britain would be represented by Sarah Hogg, a policy adviser to Prime Minister John Major.

They said Washington consulted London before sending its letter to G7 governments calling for the new trade review and many of the proposals chimed with British thinking.

France and the United States were the main adversaries in the last phase of GATT's Uruguay Round, fighting bitterly over agricultural subsidies and trade in film and television.

German Economics Minister Guenter Rexrodt said on Thursday that the United State planned to use the Naples summit to launch a trade initiative, probably named Open Markets 2000.

In Brussels, a European Commission spokesman said a new international initiative to boost trade would not be acceptable if it hampered chances of ratifying and implementing the Uruguay Round of the General Agreement on Tariffs and Trade.

"The Commission is for any initiative that can increase the commitment to liberalising trade, but the first priority above all is ratification and then implementation of the Uruguay Round agreement," the spokesman said.

"Anything that can hamper that is not acceptable, but anything that can encourage ratification can be acceptable." Commission sources acknowledged Washington's concerns to get freer trade access in Europe in areas such as telecommunications and aircraft landing rights, but pointed out that the EU had its own shopping list of reciprocal demands, including complaints about the protectionist impact of "Buy American" legislation.

The U.S. proposal calls for trade ministers to report back their findings to next year's G7 summit in Canada.

The study would be carried out in cooperation with the World Trade Organization, the successor to GATT due to be created next year, and the Paris-based Organisation for Economic Cooperation and Development.

Mr. President, to paraphrase President Reagan, here we go again. Congress has not completed this agreement and the administration is already arguing that we need a new agreement. It appears to me that these items should

have been corrected in the current round instead of waiting until the future to address these issues.

Mr. President, another concern I have regarding the GATT is the total cost of the agreement. According to the news reports, the United States will lose—I repeat—will lose roughly $40 billion from tariffs over the next 10 years if this agreement is implemented. While some of the lost tariffs might be recouped from the increased trade that the United States is expected to experience, the pay-as-you-go provisions of our budgeting process require that money lost from tariff cuts must come from revenue increases or spending cuts. With our national debt at over $4 trillion, we need to be fiscally responsible in our actions. Therefore, waiving the budget rules to pay for GATT is not being fiscally responsible. If this agreement is important enough to pass, then we should not have to waive the Budget Act to enact it. Further, while the Federal Government will lose roughly $40 billion, there is no way to tell how the States and localities would fare if their taxes are challenged as unfair trade barriers.

Mr. President, hopefully, these concerns can be examined more closely before the implementing legislation is presented to Congress. It appears that the Congress is going to be forced to examine the 22,000-page GATT agreement at a time when we are working on health care reform, welfare reform, campaign finance reform, and a host of other major legislative issues. I would hope that the administration would not send the implementing legislation to Congress for at least 60 days. This agreement is very important to local, State, and Federal jurisdictions, and I would hope that we could have time to fully examine the impact of this legislation before being called to vote on it.

THE NEW WORLD TRADE ORGANIZATION—A RISK TO SOVEREIGNTY AND POWERS OF THE SENATE

Mr. PRESSLER. Mr. President, the Thurmond amendment deserves serious consideration by the Senate. The amendment addresses major concerns about the new GATT agreement soon to be addressed by the Senate. The amendment is simple and straightforward.

First, it expresses the sense of the Senate that a joint Senate-administration commission be convened to decide whether the proposed World Trade Organization should be considered as a treaty and not as an Executive agreement.

Second, the amendment calls for a period of time, prior to introduction of the implementing legislation, for further congressional hearings, both in and outside of Washington to consider the full ramifications of the United States joining the World Trade Organization.

The process being taken by the administration has brought a new meaning to the phrase "fast track." Fast-track authority permits implementing legislation to be considered and voted on without amendment. This should not mean pushing through legislation without full and deliberate consideration.

The new trade agreement is a massive document. It was just signed on April 15 of this year. The Finance Committee will begin its trial markup of implementing legislation next week. I understand that the committee hopes to conclude its consideration by the end of next week.

One thing is certain. We can learn from history. History has taught us that free trade brings stronger economic growth. I am a free trader.

The last time this body considered GATT was in 1947, when it was created. At that time, the World Bank and the International Monetary Fund were created to address international developmental and monetary problems. An International Trade Organization [ITO] was proposed to regulate trade relations among countries. However, the ITO encountered opposition in the Senate. The issue? Sovereignty. As a result, the proposed ITO failed to win enough votes for ratification.

As CBO reported in 1987, "As a weak substitute for the envisioned ITO, a GATT Secretariat, with a very small staff, was created to oversee the General Agreement and to manage multilateral trade negotiations."

Well, the ITO proposal has resurfaced. It is now called the WTO. The new GATT agreement creates a new World Trade Organization that differs from the old GATT. The WTO is not a weak version of the ITO, but a new version of it.

Under the old GATT, the United States had a veto. We could block a panel decision and we would not face retaliation. Under the WTO, the process is automatic. Panels are established, decisions are made and the United States has no veto.

Mr. President, the risks that the WTO pose to sovereignty and to the constitutional role of the Senate are real. These risks must be fully addressed. That is why my colleagues and I felt it was important to offer this amendment today. Time is running out.

The full consequences of this agreement are just beginning to come to light. Recently, I have raised concerns over the proposed World Trade Organization [WTO] created under the new agreement. I have addressed these concerns on the floor and at two hearings held by the Foreign Relations Committee and the Commerce Committee.

Many questions and concerns about the WTO are being raised. Unfortunately, there appear to be more questions than answers.

For example, what impact will this organization have on Federal, State, and local laws? What will be its budget? How many taxpayer dollars will be spent on the WTO? To whom will the WTO, with its unelected bureaucrats, answer? I do not think these questions have been answered adequately.

Another concern is whether or not the creation of the WTO should be considered as a treaty. There is a possibility the new WTO could threaten the constitutional role of the U.S. Senate.

I am not certain the WTO could be fixed. If submitted as part of the implementing legislation, it would not be subject to amendment. The best option may be to drop the proposed WTO from the implementing legislation and deal with it separately. This option needs careful consideration.

TREATY CONCERNS

Mr. President, before I discuss the issue of sovereignty, let me explain why I believe the WTO should be considered by the Senate as a treaty—not as an executive agreement.

There are four ways an international agreement can become the law of the United States.

First, if it is accompanied by the advice and consent of the Senate—a treaty;

Second, if it is authorized or approved by Congress and the matter falls with the constitutional authority of Congress—a congressional-executive agreement;

Third, if it is authorized by a prior treaty which received the advice and consent of the Senate—an executive agreement pursuant to treaty; or

Fourth, it is based on the President's own constitutional authority—a sole executive agreement.

It is clear that past GATT agreements fall under No. 2—congressional-executive agreements. These agreements call for lowering tariffs and quotas, and expanding trade. However, I question whether Congress intended or authorized the creation of the WTO.

Under international law, an international agreement is generally considered to be a treaty and binding on the parties if it meets four criteria:

First, the parties intend the agreement to be legally binding and the agreement is subject to international law;

Second, the agreement deals with significant matters;

Third, the agreement clearly and specifically describes the legal obligations of the parties; and

Fourth, the form indicates an intention to conclude a treaty, although the substance of the agreement rather than the form is the governing factor.

Mr. President, international agreements and treaties have been used interchangeably in recent years. I do not question that the trade agreements under the Uruguay round should be treated as agreements. However, the creation of the WTO is a different matter.

Let's look at Senate precedents. In 1947, the Senate Finance Committee debated this issue when considering the International Trade Organization [ITO]. At that time, the chairman of the Foreign Relations Committee was Senator Eugene D. Millikin. He suggested the following test for determining whether a treaty should be submitted to the Senate for two-thirds approval:

> The proper distinction is that when we go beyond conventional matters (duties, custom matters and foreign trade), and commence to surrender sovereignty, this is the point where the proper field of treaty comes in. Whenever you come to a matter where there is substantial disparagement of our sovereignty, whenever you come to a matter where sanctions may be invoked against the United States, by an international body, then you have probably entered the legitimate field for treaties.

I warn my colleagues. The vote on the GATT implementing legislation, which creates the WTO, is expected to be considered by the Senate as an Executive agreement. Passage will only require a simple majority.

I believe it is abundantly clear. The creation of the World Trade Organization was not anticipated when the Uruguay round negotiations began. It has been reported that the proposed WTO was pushed through in the eleventh hour of the negotiations.

Whether or not the United States joins the WTO should be considered apart from legislation implementing the final texts of the GATT Uruguay Round Agreements.

Mr. President, proponents of the WTO will argue that there is no difference between the existing GATT structure and the WTO. Proponents will argue that the WTO will not be able to coerce the United States into any decisions on trade matters. They will argue that there's little or no difference between trade dispute settlements under the current GATT agreement and the WTO. It's sort of like shopping for a used car. You hear all the great things about the WTO, but little about its flaws. I am not quite ready to buy all the arguments in favor of the WTO.

United States negotiations in the Uruguay round improved the GATT by including goods and services and reducing nontariff trade barriers. For the first time agriculture is included under the agreement. Proponents of the WTO will say the new organization is needed to ensure that these gains are not lost in dispute settlements.

Mr. President, I hear those arguments. What I do not hear is that United States intended to create and promote the creation of the WTO.

All too often, issues are rushed through this body without full consideration. It is these 11th hour deals that all too often get us into trouble. I fear that is what is happening with the WTO.

Mr. THURMOND. I yield to Senator BYRD.

Mr. BYRD. If the Senator would, I will probably take about 3 minutes.

Mr. THURMOND. I will be glad to, without losing the floor, Mr. President.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Mr. President, I rise in support of the policy expressed in the amendment by the distinguished Senator from South Carolina [Mr. THURMOND]. It is an issue about which I feel rather strongly, but I also sympathize with the distinguished manager of bill, Mr. LEAHY, and his sentiments that this is not the right place for the amendment. The foreign aid bill is not the place to debate trade policy, and it is difficult enough for us to consider this annual legislation without major debates on extraneous matters.

I understand that the distinguished Senator from South Carolina will withdraw his amendment shortly. He has not said so, but I understand he will. And I think, all concerns considered, that would probably be the best thing. I hope that he will.

But the amendment is nevertheless before the body now, and I strongly support it. The Constitution reserves powers over international economic matters exclusively to the Congress. This is not a shared power with the executive branch. Article I, section 8 says that the Congress shall have the power to regulate commerce with foreign nations.

In recent years, there have been attempts to tippy-toe around this constitutional provision by using a mechanism allowing the executive branch to seek legislative authority from Congress to negotiate trade agreements with other nations that it structures as executive agreements. The executive branch then receives an additional advantage through procedures included in the authorizing legislation known as "fast track." This is a device which denies the Congress the opportunity to amend the agreement, and then forces the Congress to vote up or down within a limited time period. We do not even have the luxury of amending the agreement, which in the case of a treaty we would be able to amend.

First, I agree that the weight of the agreement reached in the case of the Uruguay round is such that it rises to the importance of a treaty and should be treated as a treaty.

Second, the long-term implications of the Uruguay round are such that the Senate should have full and unrestricted debate—unrestricted debate—with the opportunity for the Senate to work its will in this most vital arena of foreign policy, the economic relations we have with the rest of the world. The fact is that there should be no rush to pass legislation implementing this agreement this year. We need time to discuss it at length.

The Congress could wait until next year, next spring, after a full investigation of the ramifications of this agreement. In any case, implementing legislation is not needed until July of next year.

The Senator from South Carolina states in his amendment that the implementing legislation did not address the question of establishing a supernational adjudicatory mechanism which was incorporated in the Uruguay round of the World Trade Organization. The mechanism could make decisions which could profoundly, profoundly affect U.S. domestic law.

Considerable investigation needs to be done on this matter by this body. There are many other concerns which Members in both Houses have raised in respect to this extensive and far-reaching agreement. So let us not rush it. I think the agreement should be considered as a treaty. In any event, it should be amendable. That may be inconvenient for the other signatories to the treaty but American national interests are at stake. This is a massive trade document and has not been scrutinized by the Senate in any meaningful manner.

Therefore, I support the amendment of the Senator from South Carolina. I appreciate his offering it. I congratulate him on offering the amendment. I am glad to have an opportunity to say these few words in support of the amendment.

I hope, now that we have had an opportunity to speak at least briefly on the subject, the Senator will withdraw the amendment as it is a sense-of-the-Senate amendment and it is attached to an appropriations bill. In that respect, I hope the wishes of the Senator from Vermont [Mr. LEAHY] will be followed.

The PRESIDING OFFICER. The Senator from South Carolina retains the floor.

Mr. THURMOND. Mr. President, I am pleased we have received assurances from the Senator from Montana, who is chairman of the trade subcommittee, that the issues we have raised today will be addressed next week when the Finance Committee meets to mark up the Uruguay round implementing bill. This is one Senator who will be very interested in whether these issues have been adequately addressed. In fact, we should be given adequate time to review the proposed legislation before it is submitted to the President.

Now, Mr. President, I wish to say again that what we are trying to do is just not rush this matter. It is a matter of tremendous importance. It involves the very sovereignty of our country. It is just to give time to the executive branch and legislative branch to get together and study this matter carefully and inform the Senate what impact it is going to have on our country and just how it is going to affect the sovereignty of our country.

In view of the situation now and out of my great respect for the able chairman of the Appropriations Committee and what he said, that he thinks it would be better not to put it on this legislation, I will withdraw the amendment at this time.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from South Carolina is withdrawn.

The amendment (No. 2239) was withdrawn.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky [Mr. MCCONNELL].

AMENDMENT NO. 2240 TO THE FIRST EXCEPTED COMMITTEE AMENDMENT ON PAGE 2

(Purpose: To establish the date of Russian troop withdrawal from the Baltics)

Mr. McCONNELL. Mr. President, I send an amendment to the desk on behalf of myself, Senator MCCAIN, Senator D'AMATO, Senator DOLE, and Senator HELMS. It is an amendment to the committee amendment on page 2.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself, Mr. MCCAIN, Mr. D'AMATO, Mr. DOLE, and Mr. HELMS, proposes an amendment numbered 2240 to the first excepted committee amendment on page 2.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the committee amendment on page 2, odd the following:

"SEC. . (a) RESTRICTION.—None of the funds appropriated or otherwise made available by this Act may be obligated for assistance for the Government of Russia after August 31, 1994 unless all armed forces of Russia and the Commonwealth of Independent States have been removed from all Baltic countries or that the status of those armed forces have been otherwise resolved by mutual agreement of the parties.

"(b) Subsection (a) does not apply to assistance that involves the provision of student exchange programs, food, clothing, medicine or other humanitarian assistance or to housing assistance for officers of the armed forces of Russia or the Commonwealth of Independent States who are removed from the territory of Estonia, Latvia, Lithuania, or countries other than Russia.

"(c) Subsection (a) does not apply if after August 31, 1994, the President determines that the provision of funds to the Government of Russia is in the national security interest.

"(d) Section 568 of this Act is null and void."

Mr. McCONNELL. Mr. President, since declaring their independence, Latvia, Lithuania, and Estonia have been dedicated to assuring that Russian troops are fully and promptly withdrawn from their sovereign territory. There is, as we can all imagine, no more provocative symbol of 50 years of Soviet occupation than the continued presence of these troops. To expedite that process, last year Congress earmarked $190 million specifically for troop withdrawal including through support for an officer resettlement program and technical assistance for the housing sector.

Now, Mr. President, in spite of that directive and an extensive legislative history which made clear this commitment was designed to remove the Russians from Lithuania, Latvia, and Estonia, the administration decided to use only 50 percent of the designated funding for Baltic troop resettlement and the balance for other Russian troops.

Now, Mr. President, in spite of undercutting congressional intent, progress has been made, I am happy to report. Three years ago, when these nations declared their independence, they were occupied by more than 100,000 Soviet troops—just 3 years ago, 100,000 Soviet troops. Obviously, comparatively speaking, the situation is a good deal better. All troops are now out of Lithuania, with 4,500 remaining in Latvia, and 2,500 remaining in Estonia. But that remaining 7 percent is still a problem. Like the citizens of Latvia and Estonia, I welcome the President's public comment in Riga last week that the United States was committed to seeing the withdrawal remain on track with all troops out by August 31 of this year, 1994. This was a target date. It is interesting to note this is the target date that President Yeltsin originally offered last year and all the parties agreed to honor. So this was a date picked by the Russians.

While in Riga, the President also offered more financial support to secure that goal. Again, I commend the President for his observation. But many of us have a nagging feeling irritated by the past year with administration compromises and concessions to the Russians that, unless held accountable in legislation, August 31 will come and go and Russian troops will continue to occupy Estonia and Latvia.

Mr. President, my concern about the President's predilection to capitulate is exacerbated by the Russian's seeming reluctance to honor the deadline. We have an example of this very recently. As Warner Wolf used to say when he was around here, and may still say, "Let us go to the videotape."

On July 11, just this week, standing at Boris Yeltsin's side, President Clinton announced the following. These are the President's words 2 days ago:

There has been a promising development in the Baltics. After my very good discussion with the President of Estonia, Mr. Meri, passed on his ideas to President Yeltsin. I believe the differences between the two countries have been announced and then agreement can be reached in the near future so that the troops would be able to be withdrawn by the end of August.

Two days ago the President was talking about the end of August this year. The President said:

When the Russian troops withdraw from Germany and the Baltics, it will end the bitter legacy of the Second World War.

Bear in mind 2 days ago President Yeltsin was standing right beside President Clinton when he said that. President Yeltsin was immediately asked by a reporter:

Will you have all of the Russian troops out of the Baltics by August 31?

This is just 2 days ago standing by President Clinton, President Yeltsin was asked the question.

The answer by President Yeltsin, a direct quote: "No." "Nice question", says President Yeltsin. "I like the question because I can say no."

So here we had 2 days ago a joint press conference with President Clinton and President Yeltsin standing side by side, and asked the question, "Will the Russian troops be out of the Baltics by August 31?" President Clinton says "yes," and President Yeltsin says "no."

Obviously, there is some confusion here about whether or not the August 31 deadline is going to be—originally suggested by the Russians, I repeat. August 31, 1994, was originally suggested by the Russians as the deadline for having all Russian troops out of the Baltics. Yet 2 days ago Yeltsin says, "I don't think we can make it."

I want to just repeat that this was the Russian's selection of this date last year. Even though they preferred a more immediate departure, when this came up last year reluctantly Estonia and Latvia accepted the target of August 31 of this year.

A full year later, a full 2 years after committing in the Helsinki summit to an early, orderly, and complete withdrawal of foreign military troops from the territories of the Baltic States, Russia is stalling again. On July 11, just a couple of days ago, Yeltsin publicly and flatly rejected his self-imposed obligation to withdraw the troops.

Madam President, this Russian reality check stands in stark contrast to the administration's sort of Disney vision about this. It is animated, it is colorful, but it is a total fantasy. There is no more clear representation of the yawning gap between reality and the administration's policy than statements made by the Secretary of State over the past 10 months.

As we are all aware, one of the significant sticking points in troop withdrawal negotiations has been how ethnic Russians will be treated. Last autumn at the ministerial meetings of the CSCE and again before the Foreign Operations Subcommittee in March, Secretary Christopher declared that Russia's intention to protect 25 million

Russians living in the so-called near abroad was understandable and legitimate. This is the Secretary of State before the Subcommittee on Foreign Operations saying the Russian concern about the 25 million Russians living in the near abroad was understandable and legitimate. Before the subcommittee he added that these Russians should be treated with generosity.

Needless to say, the sovereign sensibilities of many nations which suffered Soviet occupation were deeply offended. Like other nations, the Baltics struggled to maintain their language and their culture in defiance of the Soviet regime's calculated plans of reunification. Thousands of Balts were exiled to Siberia, or worse, and Russians dispatched military and civilians alike to establish control.

History offers a window on the current skepticism. Latvians, Lithuanians, and Estonians share with their neighbors Russia's not past ambitions but current ambitions. But there are also ongoing serious issues which cause any observer to question Moscow's intentions.

In addition to protecting minority rights, Russia continues to insist that they are guaranteed access to military installations and bases. In April, during a round of discussions with Estonia, Russia linked further progress to payment of $23 million by Estonia to Russia. In late June, this threat was repeated in conjunction with the unilateral demarcation of the Russia-Estonia border, a declaration I might add that was viewed with considerable alarm in Talinn.

In a similar vein, Latvia has found troop withdrawal subject to Russian access to radar facilities and military bases as well as offering social guarantees to Russians who reside in Latvia.

I understand the administration is attempting to balance a number of issues in a multilateral context, and is extremely sensitive to Russian concerns. But the combination of statements by the Secretary of State, and positions taken by the Russians in negotiations, cause me concern about the firmness of the August 31 withdrawal commitment.

At the moment, the bill before the Senate, the bill we are debating, bans funds from Russia after December 31, 1994, if all troops have not been withdrawn or a mutual agreement on removal has not been reached.

The amendment at the desk, the amendment we are discussing at the moment, simply changes the date to August 31, I repeat a date originally chosen by President Yeltsin and the Russians as a date by which they would have all of the troops out of the Baltics. Just last week in Riga, the President reconfirmed his commitment to that date, a commitment shared by many here in Congress.

I see no reason why legislation should undercut or postpone prospects for meeting that deadline. For more than 35 years, the Baltic nations have suffered Soviet occupation. I do not think that Congress should postpone the end of that era 1 more minute let alone 4 more months. Last year, Congress tried to provide the necessary financial incentive for withdrawal by supporting housing for withdrawn troops. I supported that. The administration decided to use only half the dedicated funds for troops from the Baltics. I hope my colleagues will join in sending a clear signal that halfhearted attempts are no longer sufficient. We expect Russia to comply with its obligations, and we look forward to September 1.

In Estonia, President Meri's words of September 1 represents the first day of a new Europe, a day when the Baltics are truly free.

Let me just quickly summarize what this amendment does. It simply moves the withdrawal date from the end of this year back to August 31, the date originally set over a year ago by President Yeltsin himself. It simply moves that date forward to the expressed intention of President Yeltsin a year ago. I think this will be extremely reassuring to those in Latvia, Estonia and Lithuania. In addition to that, there is considerable American interest that this date be met.

(Mrs. BOXER assumed the chair.)

Mr. McCONNELL. I just call my colleagues' attention to a press release dated yesterday from the Joint Baltic American National Committee—these are American citizens—supporting this amendment I have just offered. I say to all of my colleagues that this is not only the foreign policy over a "there" kind of an issue; it is also a "here" issue, in the sense that many Americans who came from the Baltic countries maintain an ongoing interest in this important date and would like it to be met.

Madam President, I ask unanimous consent that this statement from the Joint Baltic American National Committee be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Press release from the Joint Baltic American National Committee, June 12, 1994]

YELTSIN SAYS RUSSIAN TROOPS TO REMAIN IN ESTONIA

Russian President Boris Yeltsin, after meeting with President Clinton on July 10, stated that Russian troops will remain in Estonia after the August 31, 1994 withdrawal deadline. The statement followed President Clinton's trip to Latvia where he called on Russia to adhere to its unconditional commitment to withdrawal.

When asked if Russia will meet the self-imposed August 31 deadline, Yeltsin bluntly stated "No", then added "I like the question, because I can say no." Only moments before, President Clinton optimistically projected that an agreement between Estonia and Russia is near, paving the way for withdrawal by the end of August. According to Yeltsin, the delay is tied to the "human rights" violations of 10,640 Russian military retirees in Estonia in addition to a lack of housing for returning Russian officers. However, these allegations are false and represent an attempt to gain unacceptable concessions from Estonia. In reality:

Ex-Soviet military personnel who retired in Estonia prior to August 31, 1991 may apply for Estonian residency permits as allowed by Estonian legislation, which would permit them to live in Estonia and vote in local elections.

Of the 10,640 ex-Red Army pensioners in Estonia, 1,600 retirees are under the age of 50; hundreds of these are younger than 45 and cannot be characterized as "harmless pensioners." Less than half, or 5,170, are over 60.

Russia demands that all Russian military personnel presently in Estonia (2,500), in addition to military pensioners, be granted residency permits. These include KGB and military intelligence officers and individuals who actively worked against Estonian independence. Their presence will continue to pose a threat to Estonia's security. Succumbing to Russian demands would lead to a demobilization of Russian forces in Estonia—not a withdrawal of Russian forces.

The United States allocated $6 million (FY93) and $160 million (FY94) to house returning Russian officers. This includes 1,250 housing vouchers for Russian officers and retired officers leaving Estonia. Estonia should not be coerced into paying for the illegal Soviet occupation.

Russia's actions follow a familiar pattern of issuing threatening statements aimed at stalling the withdrawal, such as Russia's suspension of withdrawal from Lithuania only days before its deadline. It is imperative that the United States once again take a firm stand and call on the unconditional removal of Russian troops from the Baltics by August 31.

CONGRESSIONAL SUPPORT VITAL IN WITHDRAWAL FROM ESTONIA

The Joint Baltic American National Committee, an organization representing over one million Americans of Baltic heritage, calls on Congress to support an amendment to be submitted by Senator Mitch McConnell to the FY95 Foreign Operations Appropriations Act (sec. 568) that would limit US aid to Russia if withdrawal, or an agreement on withdrawal, is not completed by August 31. The present cut-off date of December 31 will send a tacit signal that a continued Russian military presence in Estonia is acceptable. A firm resolution, however, will send a strong signal to Russia that it must live up to its international commitments and withdrawal by August 31, 1994.

Mr. McCONNELL. Madam President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY addressed the Chair.

Mr. McCONNELL. Madam President, who has the floor?

The PRESIDING OFFICER. Has the Senator yielded?

Mr. McCONNELL. I have not yielded.

Mr. CRAIG. If the Senator from Kentucky will yield briefly, while I stand in support of his amendment, I wanted to also clarify something. I just came

to the floor, and I understand that Senator THURMOND has withdrawn his amendment on the World Trade Organization. To the ranking member and chairman, let me say that while I support Senator THURMOND in withdrawing that amendment, his intent and my intent in coming to the floor to debate that issue was to raise its visibility and hope to express to all of you and to the Senate at large that this is an issue that is now beginning to speak out for an answer. It is not just this Senator or others, it is State tax commissions all around our country, State attorneys general and Governors who are beginning to look at the fine points of the General Agreement on Tariffs and Trade and the General Agreement on Tariffs in Services as it relates to the fundamental issue of sovereignty.

I strongly support trade and hope we can resolve these issues. I do believe it is incumbent upon us who are interested in it, and certainly the chairman and ranking member are here today to work with us in resolving this issue, whether it be in the implementation language or in some other form. I do not believe this is an issue that will now go away as easily as the Senator withdrew his amendment. I think it is an issue that speaks out for an answer.

Mr. MCCONNELL. I thank my friend from Idaho. It is my understanding that the chairman—I was here when the chairman of the Appropriations Committee spoke in support of the Thurmond amendment, as well. There is considerable concern about this issue. I do not believe the Senator from South Carolina withdrew it with any sense that this was an issue that was over. I think the debate was very helpful in bringing this issue before the Senate.

Mr. CRAIG. I thank my colleague.

Mr. MCCONNELL. I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I yield momentarily to the Senator from Kentucky, without losing my right to the floor.

Mr. MCCONNELL. Madam President, I ask unanimous consent that Senator BYRD, the chairman of the Appropriations committee, be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I just ask the Senator from Kentucky, in the last subsection, subsection (c), if he might consider, so we do not get into further debate down the way, in the last line, where it says "Government of Russia is in the national security interest," removing the word "security?"

While the Senator thinks about that, let me make a couple of comments.

Madam President, in our bill, we have this amendment with the date of December 31—partly because we were not sure that the bill might be finished—to avoid a continuing resolution. It appears that we may be able to avoid that. As a result, the date might be moved up. I listened to President Yeltsin's comments in Naples, and I had some concern in listening to them. I have been encouraged by the progress Russia has made to withdraw its troops from the Baltics, and I considered traveling there myself to observe some of that. But I was concerned when President Yeltsin said he would not make the August 31 deadline that we had originally assumed.

I hope that President Yeltsin will continue with his earlier commitment or be moving the withdrawal so rapidly that it was obvious that the conclusion was ineluctable.

Mr. MCCONNELL. If my friend will yield, I do not know whether he was on the floor, but my concern is that, just 2 days ago, at a joint press conference with President Clinton and President Yeltsin standing side by side, President Yeltsin said he was not going to meet the August 31 deadline. I do not think he left it in a speculative state.

Mr. LEAHY. I understand. I am perfectly willing to support this August 31 deadline. My question was only to one word in the third paragraph.

Mr. MCCONNELL. I must say to my friend that my initial reaction is that I hope we will not water down the language. We both know that national security interest is a tougher standard than national interest. The freedom and independence of the Baltics have been a big issue in this country for 50 years. We are very close to having all those Russian troops out. Many people in this country, particularly those who belong to these organizations of Latvian-, Estonian-, and Lithuanian-Americans, think it is probably in our national security interest. I hope that we can avoid modifying the amendment and that we will send a strong message to President Yeltsin to meet the date he originally suggested a year ago.

Mr. LEAHY. The reason I mention it is that in the legislation which the Senator from Kentucky and I both supported in the committee, it spoke of national interest. That was with the December 31 deadline. This is adding another word. I am trying to keep it close to that, because it is also language I want to be able to maintain as we go through this whole process. I also tell my friend from Kentucky that I support the August 31 deadline. It is one we had discussed earlier.

I note that if indeed that was not being followed and indeed the administration was not taking it seriously, there are items of this Russian aid that will have to go through the normal reprogramming process, and that would certainly influence my thinking in such reprocessing. I do not intend to allow this just to be a figleaf thing. I think the policy of the Baltics, both for stability within the former Soviet Union and the ability to improve the efficacy of our own help, is such that it is important to remove them from the Baltics.

Mr. MCCONNELL. I would say to my friend from Vermont, I understand his concerns. It seems to me we are not really asking the Russians to do much here. We are asking the Russians to stick to the deadline they themselves set.

Logistically, we are down to a rather small number of troops left. I was checking my notes here. There are 4,500 in Latvia, 2,500 in Estonia, and all of them out of Lithuania.

So we are not asking them to move all 100,000 in 6 weeks here. They are down to a few. We are asking them simply to comply with the deadline that they themselves set.

I really believe firmly that if the Senate sent a strong message with this amendment we would see those troops gone by August 31, which would be to the substantial relief to people in Latvia, Estonia, and certainly a lot of Americans who came from that area over here.

Mr. LEAHY. Madam President, as I said, the Senator has supported different language earlier. Both he and I had in the early language contemplating August 31 as the date they would be out. So his position today is as consistent today as it was earlier.

I was trying to simply change the date. I was having it be the same language.

Mr. MCCONNELL. If I may say to my good friend Senator LEAHY, the reason that I think we now need a tougher standard is just 2 days ago this week President Yeltsin stood beside President Clinton and said he was not going to meet the August 31 deadline.

So I think we have a changed condition warranting toughening up a little bit the standard as well as moving the date back to the original date that the Russians set of August 31. I think there is a changed intervening condition, a changed condition that warrants the national security interest standard as opposed to the national interest standard.

That would be my thinking there. I would hope the Senator from Vermont would agree.

Mr. LEAHY. I am persuaded by the Senator from Kentucky. At the time when I heard the statement in Naples I had expressed then, not on the floor of the Senate, but I expressed concern, Madam President.

We are in the position—the United States is, and I believe my friend from Kentucky would agree with this—as a major power—in fact we are the major power of the world—we know that it is in our national security interests to have the former Soviet Union become a democratic market-oriented, however

defined, country, not with a copycat necessarily of all our laws and institutions but one where there is a rule of law, where there are democratic principles, elections, and so forth, and one where they can engage in a free and open trade with the rest of the world, including the United States, but also one where our competition is on economics, it is on the exposure of our own ideas and ideals and not a competition on nuclear warheads or the balance of terror or deterrence. I know the Senator from Kentucky and I both agree on that.

I think, though, we also have to realize we are dealing with a nation redesigning itself, reforming itself, a nation becoming in many ways a new and totally new nation but with a proud heritage, also a heritage of great strife in the past and a feeling and the kind of concern when they did need help from the West also do not want to be considered as a second-rate nation, nor should they. This is a nation that has in the course of a century gone from being one of the major powers of all history. But the fact is that the results are in our security interests beyond the Baltics.

So, Madam President, I have no problem with this amendment.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Senator LAUTENBERG be added as cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Madam President, I believe that we must continue to hold Russia's feet to the fire with regard to troop withdrawal from the Baltic countries. Russia has made substantial progress on withdrawing from the Baltics—all troops are out of Lithuania and withdrawal from Latvia is proceeding on schedule. This progress is due in no small part to United States engagement on this issue. Accordingly, I believe we should continue to remain engaged by pressing Russia to move ahead on its commitment to withdraw its troops from Estonia. One way to do that is to remind Russian leaders that continued United States assistance depends on responsible international behavior.

I share the concern expressed by my colleagues about President Yeltsin's recent statements that indicate foot dragging on troop withdrawal from Estonia. I am encouraged, however, that President Yeltsin and Estonian President Meri have agreed to meet within the coming days to discuss the issue.

With the Estonian-Russian talks looming, we must strike a delicate balance. On the one hand, we must be clear that continued Russian troop presence is unacceptable. On the other, we must give Russia and Estonia enough breathing room to work out the outstanding issues surrounding troop withdrawal. I believe the underlying committee bill strikes the correct balance. It states that we will restrict our assistance to Russia if Russian troops are not removed—or if the status of those forces has not been resolved by mutual agreement—by December 31. The committee language also contains a waiver that would allow the President to assist Russia if he believed it was in the national interest.

The McConnell amendment is much more stringent. It moves the deadline from December 31 to August 31. It also would make it more difficult for the President to waive the restriction. To my mind, this amendment could actually damage the prospects for speedily troop withdrawal from Estonia. By moving the date at this delicate time, we could undermine President Yeltsin and empower the hardliners in Russia who wish to undermine the negotiations on troop withdrawal.

President Yeltsin is already under intense domestic pressure. It is in our interest to bolster the reformers in Russia, and one way that we are shoring up those progressive elements is through our assistance program. If Russian reformers do not survive and nationalist or military leaders come to power, does anyone believe that troop withdrawal from Estonia will continue on track?

As I said, I believe the underlying committee amendment strikes a good balance, and I believe we should maintain that language in the bill. I therefore will oppose the McConnell amendment.

Senator MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I rise in support of my friend from Kentucky.

I think it is important. I think it has significant ramifications for our future relations with Russia. I believe that it is of the utmost importance that at some point Russia recognize that the Western countries, especially the United States, will not allow them to continue to practice occupation and even expansion similar to that of the former Soviet Union.

Madam President, just in the way of background on March 11, 1994, a number of Senators wrote a letter to Secretary of State Christopher, encouraging continued efforts to remove the Russian armed forces from the Baltic States by August 31, 1994.

As the Senator from Kentucky has pointed out that was the date that Boris Yeltsin, the President of Russia, had committed to.

And in this letter it urges the Secretary of State to take action in order to try to see that that goal is achieved.

On April 20, I and the other Senators who cosigned the letter received an answer from Secretary Christopher:

> Russian and Latvian negotiators in Moscow initiated an agreement regarding withdrawal of Russian troops from Latvia. This significant breakthrough we hope paves the way for full withdrawal of Russian forces in Estonia by no later than August 31.

Since April 20 of this year the reasons for optimism and hope on the part of the Secretary of State have obviously been dashed.

According to published reports when President Clinton and President Yeltsin were holding a press conference in Naples, President Yeltsin was asked the question as to whether he intended to honor his own August 31 target date of withdrawal of troops from Estonia. The New York Times this week reports:

> Mr. Yeltsin replied with a blunt "nyet." This reply brought a flash of attention to the day in which the leaders sought to show they stood tall on troubled spots from Bosnia to North Korea.

According to other reports, Yeltsin said:

> Nice question. I like the question because I can say no.

Madam President, it is very disturbing that President Yeltsin should not only say no but in that manner.

I think we have to understand this issue in the context of what is happening in Russia today. We are seeing more and more clear indications of its agressive policy in the near abroad. The desire of the Russian Government and people have at least some semblance to what used to be the Soviet Union and the Russian empire by setting up buffer states which are either reabsorbed into Russia or are totally dependent upon Russia.

A number of recent events indicate clearly that events tend in this direction. Elections took place just a few days ago in two countries, Ukraine and Belarus. Victors in each of these countries were the pro-Russian candidates. In Ukraine, the president-elect in perhaps the most strategically important country in the region has often stated his desire to resume extremely strong economic, military, and political ties with Russia. Some experts predict as a result of this election that the eastern part of the Ukraine will in one way or another be reabsorbed into Russia, not necessarily the entire Ukraine but the eastern part.

In Belarus it is obviously the same, and we are seeing instances such as Georgia where Russian troops came in to put down an insurgency. For all intents and purposes the Government of Georgia today is being run from the Russian Embassy in Toblez.

So there is no doubt as to what the Russians are about. It does not necessarily make them bad or evil people. It does not necessarily mean we are on the brink of renewing the cold war. But what it does signal, all of these events, including all of the countries whose names end in stan, Turkistan, Kazakhstan, et cetera, is that there is again in many of these countries a reemergence of pro-Russian governments and more and more Russian influence

ranging from elections like those in Belarus and Ukraine to actual movement of Russian troops.

We have to tell President Yeltsin that we understand his ambitions, but we will not sit by and abandon a commitment that we have had in this country ever since the beginning of the cold war.

I think there are many of us here that remember the Fourth of July parades and those funny looking flags that we used to see of the Baltic countries—Latvia, Estonia, and Lithuania. Most of us did not know what those flags were, but we maintained embassies here in this country, in Washington, DC, of those three little countries which had suffered under Russian occupation since the end of World War II, and we maintained our commitment to their full and complete independence.

Perhaps in many parts of this country, where there are a great number of ethnic Latvians, Estonians, and Lithuanians, there was great joy and rejoicing which accompanied the dissolution of the Soviet empire and the promise of free and independent countries.

The fact is that no country is free and independent, Madam President, when they are occupied by a foreign country's military presence. We cannot, in my view, provide assistance—the treasured and hard-earned tax dollars of the American people—to a country that insists on maintaining its troops in a free and independent country against the will of that country for an unlimited period of time.

It is not complicated. We cannot fail to honor the commitment and the promise that we made to these three little countries, especially Estonia, during the days of the cold war.

So, Madam President, I believe that the amendment of the Senator from Kentucky not only signals our view and that of the American people and the Congress concerning Estonia, Latvia, and Lithuania, but it signals Mr. Yeltsin and the military in Russia and their parliament, that we will not sit idly by while the Russian empire is reconstituted. Because if we do, very soon there will be a threat to other countries, such as Poland.

Later on, I hope we are going to have a spirited debate on the issue of what countries are allowed membership in NATO, and under what conditions.

This amendment is important, not only for the Baltic States. It is very important that the American Congress send a message that we are not ready or willing to have Russian troops maintain a presence in a nation against that nation's will. Frankly, over time, if those Russian troops remain there, there is bound to be some kind of conflict between those troops and the Estonian people, because the Estonian people, very correctly, will not stand still for this kind of military occupation of their country.

I know that the amendment of the Senator from Kentucky has the full intentions of conveying the message that we share of the withdrawal of Russian troops and demand that negotiations move forward. I think we can change Yeltsin's attitude and send a message that will spur these negotiations and arrange for a peaceful and orderly withdrawal so that the people of Estonia can live a free and independent life, as has been promised to them by their Constitution and our commitment to them during the many long years of the cold war.

Madam President, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, the Senator from Arizona knows I agree with him. I would suspect it probably would pass virtually unanimously in this body, which would make very clear what the U.S. position is in both the policy and the press conference.

Madam President, seeing the chief sponsor of the amendment on the floor, I ask unanimous consent that the vote on this be at 3:30 this afternoon.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. LEAHY. Madam President, I ask, if there are others who may have amendments that require a rollcall, if they might come forward soon.

Mr. McCONNELL. If the Senator will yield, it is my understanding the Republican leader will be here momentarily to offer an amendment, and I suspect it will take a rollcall. I know the chairman is maybe interested in having two votes at 3:30 and I think that would be possible.

Mr. LEAHY. I thank my friend from Kentucky.

What I am thinking of is, if we had this and had it fairly clear that we were going to have two or even three votes right together at that time, we could make sure that was hot-lined.

The Breyer nomination is before the Judiciary Committee. In fact, I am a member of that committee and I have been trying to divide my time with that. There are a couple other committee meetings of that nature. If we are able to accommodate the chairman and ranking member of those various committees to do it in such a way that we get stacked votes, it would help them.

So, with that, I might again reiterate to those who are watching—certainly if the distinguished Republican leader is coming to the floor, I will yield to him for whatever he has—but if anybody else has an amendment that could be brought up and is going to require a rollcall between now and 3:30, my recommendation would be, if we are able to get the votes stacked, if the distinguished leaders would agree, that we might be able to then vote on one with a 15-minute vote, and the subsequent ones with a shorter time.

Again, I also note, I appreciate the cooperation of Senators so far in moving these things forward. I know we have a couple of late evenings ahead of us, but it enables us to then try to get this through conference prior to the August 31 date, because otherwise we will be unable to get through a conference by that time. But I know it is the intent of the Senator from Kentucky, and indeed mine, that if we complete this in time, we will try to do just that.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Madam President, I have four amendments.

Mr. LEAHY. If the Senator will yield, I ask unanimous consent the pending amendment on which the yeas and nays have been ordered be temporarily laid aside so as to accommodate the Senator from Kansas.

The PRESIDING OFFICER. Without objection, it is so ordered. Without objection, the pending amendments will be laid aside.

AMENDMENTS NOS. 2241, 2242, 2243, 2244, EN BLOC

Mr. DOLE. Madam President, I understand these amendments have been cleared on each side. Let me say one is a Trans-Caucasus Enterprise Fund amendment which earmarks $5 million; another eliminates assistance for the violators of Serbian sanctions; the third would be earmarked $5 million for Bosnian hospitals. If you have been there, you would understand the need. The fourth would be for Bosnia winterization, an earmark of $10 million.

I send these four amendments to the desk en bloc and ask they be considered en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes amendments numbered 2241 through 2244, en bloc.

Mr. DOLE. Madam President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2241

(Purpose: To establish a Trans-Caucasus Enterprise Fund)

Mr. DOLE offered amendment No. 2241 for himself and Mr. LEVIN.

The amendment is as follows:

On page 23, line 21, delete "(m)" and insert the following new subsection:

(m) Not less than $5 million of the funds appropriated under this heading shall be made available for the capitalization of a Trans-Caucasus Enterprise Fund.

Mr. DOLE. Madam President, this is a simple and straightforward amendment. It earmarks $5 million for the establishment of a Transcaucasus Enterprise Fund. This represents a modest amount of the more than $800 million in aid provided by this legislation for the independent states of the former Soviet Union.

Enterprise funds are one of the few success stories of the American aid to the post-Communist world. They were first established in Hungary and Poland in the seed legislation in 1989 and provided with initial funding of $300 million. Enterprise funds support small- and medium-sized business ventures. They provide expertise and capital for investment. They show by joint venture and by example that projects can work—and that fosters additional investment.

The administration has established enterprise funds for all the countries of Eastern Europe, and all the countries of the former Soviet Union—with the sole exception of the Transcaucasus region of Armenia, Georgia, and Azerbaijan. The Russian Enterprise Fund was established with planned funding of $340 million. A Central Asia fund was set up for the five Central Asian republics with $150 million. A western NIS fund was established with $150 million for Ukraine, Belarus, and Moldova. Enterprise funds exist for the Baltics, for Bulgaria, for Albania, for Slovenia, and for the Czech and Slovak Republics.

Yet there is no enterprise fund for the Transcaucasus. There are arguments against such a fund—the bureaucrats can always find excuses for inaction. Some say there is conflict in the Transcaucasus. But there are conflicts in Moldova and in Central Asia as well. If it makes sense to establish enterprise funds in those regions—despite ongoing conflicts—it makes sense to include the Transcaucasus in this important private sector initiative.

Some say conditions are not yet ideal for an enterprise fund for the Caucasus. But the administration's record shows that it takes months and even years for an enterprise fund to begin operations after its formal establishment. For example, the Baltic-American Enterprise Fund was announced in October 1992, reannounced in June 1993, but no board has been named, no funds have been provided, and no operations are underway. It is not armed conflict or political violence slowing the Baltic enterprise funds, it is bureaucratic inertia. Given this track record, it makes sense to plan ahead for enterprise funds and establish one for the Transcaucasus now.

There is no shortage of needs in the Caucasus region. Port, rail, and communications facilities all need rebuilding. Armenia is a nation of entrepreneurs. Privatization has commenced and opportunities are there. In Armenia, for example, $5,000 could finance the start of a computer software company. Georgian traders and carpenters could benefit from small scale loans.

The focus of the administration's foreign aid reform is sustainable development. In my view, the best type of sustainable development is support for the private sector, support which an enterprise fund is designed to give.

Due to Senator MCCONNELL's efforts, this legislation contains $75 million for Armenia and $50 million for Georgia. Such grants are vital to meet immediate needs in the region. But we also need to look ahead, to look beyond handouts. That is what the Transcaucasus Enterprise Fund will do. An enterprise fund would provide a real incentive for privatization. It would foster regional cooperation that is vital to the future of the Transcaucasus.

I know of no opposition to this proposal and urge my colleagues to support the amendment.

AMENDMENT NO. 2242

(Purpose: To allocate funds for humanitarian assistance for Bosnia and Herzegovina)

Mr. DOLE offered amendment No. 2242 for himself and Mr. LIEBERMAN.

The amendment is as follows:

On page 112, between lines 9 and 10, insert the following new section:

SEC. . HUMANITARIAN ASSISTANCE FOR BOSNIA AND HERZEGOVINA.

Of the funds appropriated by this Act, not less than $5,000,000 shall be available only for medical equipment, medical supplies, and medicine to Bosnia and Herzegovina, and for the repair and reconstruction of hospitals, clinics, and medical facilities in Bosnia and Herzegovina.

Mr. DOLE. Madam President, last month, I was in Sarajevo and had the opportunity to visit one of its hospitals. What many people fail to realize is that hospitals and clinics in Bosnia and Herzegovina have been targeted and attacked throughout the war. We saw the Bosnian Serbs attack the Red Cross clinic in Gorazde only a few months ago. And, the hospital I visited, Kosevo Hospital, was hit often by Bosnian Serb forces in the hills surrounding Sarajevo—sometimes with tragic results. Not only did the hospital sustain structural damage and equipment loss, but doctors and nurses lost their lives when artillery shells blasted through the hospital's walls. Nevertheless, at Kosevo Hospital, and other hospitals and clinics throughout Bosnia and Herzegovina, courageous and dedicated staff worked under horrible conditions to try to save lives.

The amendment I am offering today, together with the distinguished Senator from Connecticut, Senator LIEBERMAN, provides $5 million for the repair of hospitals and other medical facilities in Bosnia and Herzegovina. These funds can also be used to provide medical equipment, medical supplies, and medicines, as required.

I hope that this amendment will receive strong support. The damaged hospitals and medical facilities need to be repaired and provided with the necessary equipment and supplies so that the Bosnian people—who have suffered for so long now—can receive the better medical care.

AMENDMENT NO. 2243

(Purpose: To allocate funds for emergency projects in Bosnia and Herzegovina)

Mr. DOLE offered amendment No. 2243 for himself and Mr. LIEBERMAN.

The amendment is as follows:

On page 112, between lines 9 and 10, insert the following new section:

SEC. . EMERGENCY PROJECTS IN BOSNIA AND HERZEGOVINA.

Of the funds appropriated by this Act, not less than $10,000,000 shall be available only for emergency winterization and rehabilitation projects and for the reestablishment of essential services in Bosnia and Herzegovina.

Mr. DOLE. Madam President, I am pleased to offer this amendment on behalf of myself and the distinguished Senator from Connecticut [Mr. LIEBERMAN]. This amendment provides $10 million in emergency winterization and rehabilitation assistance for Bosnia and Herzegovina, and for the reestablishment of essential services there.

It is not too early to plan for winter. Winter is only a few months away—and in Bosnia, it usually comes early. Unfortunately, it is my understanding that not enough is being done by international relief agencies at this time to prepare for the coming winter. Instead of increasing airlifts and convoys so that winter-related items can be stockpiled and prepositioned while the weather is good, the UNHCR has actually significantly decreased the number of airlifts into Sarajevo.

This seems incredibly shortsighted. Maybe the United Nations and others are hoping that a settlement will be reached and that the crisis in Bosnia will be over. In my view, this is wishful thinking. But, in any event there is no concrete evidence before us to suggest that there will not be a humanitarian crisis in Bosnia and Herzegovina this winter.

Mr. President, now is also the time to work on rehabilitation projects and the reestablishment of essential services. It is my understanding that U.S. aid officials, such as the disaster assistance response team [DART] based in Zagreb, have already conducted assessments on rehabilitation assistance and reestablishment of essential services.

Through this amendment we can provide at least some of the resources necessary for United States officials to move forward with rehabilitation projects, emergency winter assistance, and efforts to reestablish essential services in Bosnia.

AMENDMENT NO. 2244

(Purpose: To restrict funds available for assistance to countries not in compliance with United Nations sanctions against Serbia and Montenegro)

Mr. DOLE offered amendment No. 2244 for himself and Mr. LIEBERMAN.

The amendment is as follows:

On page 72, line 23, insert ", Serbia, and Montenegro" after "Iraq".

On page 73, line 11, insert ", Serbia, or Montenegro" after "Iraq".

On page 73, line 17, insert ", Serbia, or Montenegro, as the case may be," after "Iraq".

On page 73, line 19, insert ", Serbia, or Montenegro, as the case may be" after "Iraq".

Mr. DOLE. Madam President, I am pleased to offer this amendment on behalf of myself and the distinguished Senator from Connecticut [Mr. LIEBERMAN]. This amendment is very simple. It adds Serbia and Montenegro to section 538 of this bill, which provides that no United States assistance may be provided to any country that is not in compliance with the U.N. Security Council sanctions against Iraq, unless the President certifies that such aid is in the United States national interest, or that such aid is of a humanitarian nature.

U.N. sanctions were imposed on Serbia and Montenegro in May 1992, shortly after the war against Bosnia and Herzegovina was launched. Since that time, the international community—largely at the urging of the United States—has worked to tighten these sanctions. While the situation has improved over time, sanctions violations still occur, particularly along the Danube where NATO ships do not patrol.

In the absence of lifting the arms embargo on the Bosnians, and in the absence of effective enforcement of the NATO exclusion zones in Bosnia, sanctions remain the chief source of leverage and pressure on the Serbian Government and its collaborators in Bosnia. In short, the administration has put most of its eggs in the sanctions basket and while some like myself do not believe that is sufficient pressure to bring about a just and stable peace, the bottom line is that unless we pass legislation to lift the arms embargo on Bosnia, the administration's policy which relies on sanctions remains in place.

Therefore, it is essential that these sanctions are airtight. This amendment should serve to enhance compliance with sanctions against Serbia and Montenegro since all of the countries that border Serbia and Montenegro are recipients of United States foreign assistance.

It seems to me that we are not asking too much in making compliance with United Nations sanctions against Serbia and Montenegro a prerequisite for United States aid, just as we have made compliance with United Nations sanctions against Iraq a prerequisite. Both are aggressor states who have violated fundamental principles of international law and the U.N. Charter.

This amendment should not be controversial and I hope it will receive broad support.

Mr. LEAHY. Madam President, if the Senator from Kansas will yield, I have seen these four amendments. I have no problem with them. I understand the Senator from Kentucky has no problem with them either. I am certainly willing to accept them.

I obviously cannot guarantee what happens in conference. I do not know what will happen in conference, but I am perfectly willing to accept them and support them.

Mr. DOLE. Madam President, I thank my colleague from Vermont. I understand the Senator from Kentucky has no problem with the amendments. They have been agreed to on each side.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendments.

The amendments (Nos. 2241, 2242, 2243, and 2244) were agreed to en bloc.

Mr. DOLE. Madam President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. I have another amendment which I will send to the desk which has not been agreed to. I will lay it down now and ask the pending amendment be temporarily laid aside, the McConnell amendment.

The PRESIDING OFFICER. Without objection the McConnell amendment and the pending committee amendments will be laid aside.

AMENDMENT NO. 2245

(Purpose: To establish a congressional commission for the purpose of assessing the humanitarian, political, and diplomatic conditions in Haiti and reporting to the Congress on the appropriate policy options available to the United States with respect to Haiti)

Mr. DOLE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself and Mr. WARNER, proposes an amendment numbered 2245.

Mr. DOLE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 112, between lines 9 and 10, insert the following new section:

SEC. . CONGRESSIONAL COMMISSION ON HAITI POLICY.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the American people support a peaceful transition to a democratic and representative government in Haiti.

(2) Haiti's elected President who is in exile and the de facto ruling junta in Haiti have reached an impasse in their negotiations for the reinstitutions of civilian government;

(3) the extensive economic sanctions imposed by the United Nations and United States against the de facto rules are causing grave harm to innocent Haitians;

(4) private businesses and other sources of employment are being shut down, and the continuation of the comprehensive economic sanctions are causing massive starvation, the spread of disease at epidemic proportions, and widespread environmental degradation; and

(5) an armed invasion of Haiti by forces of the United States, the United Nations, and the Organization of American States would endanger the lives of troops sent to Haiti as well as thousands of Haitians, especially civilians.

(b) ESTABLISHMENT AND DUTIES.—(1) There is established a congressional commission which shall be known as the Commission on Haiti Policy (in this section referred to as the "Commission").

(2) It shall be the duty of the Commission—

(A) to assess the humanitarian, political, and diplomatic conditions in Haiti; and

(B) to submit to the Congress the report described in subsection (d).

(3) In carrying out its duties, the Commission shall call upon recognized experts on Haiti and Haitian culture, as well as experts on health and social welfare, political institution building, and diplomatic processes and negotiations.

(c) COMPOSITION OF COMMISSION.—The Commission shall consist of the following Members of Congress (or their designees):

(1) The Majority Leader of the Senate.

(2) The Minority Leader of the Senate.

(3) The chairman and the ranking Member of the following committees of the Senate:

(A) The Committee on Appropriations.

(B) The Committee on Foreign Relations.

(C) The Select Committee on Intelligence.

(D) The Committee on Armed Services.

(4) The Speaker of the House of Representatives.

(5) The Minority Leader of the House of Representatives.

(6) The chairman and ranking Member of the following committees of the House of Representatives:

(A) The Committee on Appropriations.

(B) The Committee on Foreign Affairs.

(C) The Permanent Select Committee on Intelligence.

(D) The Committee on Armed Services.

(d) REPORT OF COMMISSION.—Not later than 45 days after enactment of this Act, the Commission shall submit to the congress a report on the Commission's analysis and assessment of conditions in Haiti and, if appropriate, analysis and assessment of appropriate policy options available to the United States with respect to Haiti.

Mr. DOLE. Madam President, I join with the international community in condemning Haiti's expulsion of United Nations human rights observers. It is a cowardly and deplorable act. But I also join with an unlikely ally, the editorial page of the New York Times, in urging the administration not to use this act as a pretext for invasion.

The editorial is right to conclude, "But except for refugees, what is going on in Haiti affects only Haiti." And I join with the USA Today editorial in saying we tried invading Haiti before and we failed in our goals.

I ask unanimous consent both editorials be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOLE. There are obviously many views in this body on what course we ought to take in Haiti. It is in the news every night. It is on the front page of the paper every morning. It is on the radio wherever you go. It is a matter of great concern.

Here we find the most impoverished country in this hemisphere—poor people are poorer now than they were a week ago or 2 weeks ago because of sanctions. Some support the use of force. Some support the use of American military power. Some oppose risking American lives for that purpose.

But all of us should want the facts before passing judgment on the issue. And the last thing we should do is to shoot first and ask questions later, questions that could lead to a peaceful resolution.

For more than 2 months now, I have called for a bipartisan factfinding commission to review the situation in Haiti.

I would expect supporters of the military option to favor my proposal. The worst outcome for the United States would be to commit U.S. power, prestige, and lives without understanding the nature of local conditions. The unfortunate example of Somalia stands as a stark reminder of this mistake. We all remember how dozens of Americans lost their lives trying to arrest a Somali warlord who just days later was given first-class transportation by the United States military.

I have every confidence in America's men and women in uniform, but in Haiti it is not hard to foresee a similar outcome. U.S. military power will reinstall Aristide as president, and within days the American soldiers will be deployed to restrain excesses of pro-Aristide forces. The time to prevent such disaster is before it begins. The time to examine the facts is now before troops are deployed. President Aristide opposes an invasion. Prime Minister Malval opposes an invasion. Haitian parliamentarians oppose an invasion. I have a letter I will include in the RECORD from a number of parliamentarians. I do not know the parliamentarians. I do not know where they belong in the political spectrum. I think the letter will be helpful to some.

Under all these circumstances, with all this opposition, it is hard to find anyone supporting an invasion. But it appears the administration is dead set on an invasion course. Political options have been rejected and no longer explored. In this situation, Congress has an appropriate role. A few weeks ago, the Senate rejected amendments which would require congressional approval before an invasion of Haiti. Later, we approved an amendment expressing our view that such approval should be sought. It is sort of a sense-of-the-Senate approach. We made that same approach months or weeks earlier. I think the vote was 98 to 0, or something unanimous for all those who were here.

Today I am offering an amendment which establishes a congressional commission of limited duration of bipartisan membership. The commission would include the majority and minority leaders and chairmen and ranking members of four key committees in the House and Senate: Foreign Relations, Armed Services, Intelligence, and Appropriations Committee.

I do not see how anybody can oppose this amendment. It is not tying anybody's hands. It simply establishes a joint Senate-House commission to assess conditions in Haiti and report back in 45 days—45 days. It seems to me it makes a lot of sense.

I would assume that the members of this commission would have no special interest, no ax to grind, no preconceived notion on what the recommendations should be.

Some might say they have enough facts now, that the commission would lead to more delay. In my view, there cannot be too much information before a decision to employ American troops is made. Maybe that decision has already been made by this administration. Sometime next week, or the next week, or the next week they are going to deploy American troops.

I believe there are many questions this commission could examine:

What, if anything, is the exact nature of any threats to Americans in Haiti?

Are any Americans really threatened? We hear some of the newscasts, we hear some of the rumors, but are any Americans threatened? If that is the case, it would certainly buttress those who favor intervention.

Why has the flow of Haitians leaving by boat increased so dramatically in the past month?

Why have efforts to achieve a political solution failed over the last 2 years?

What role could democratically-elected Haitian parliamentarians play in any potential solution?

Why did the parliamentarians' effort earlier this year fail, an effort supported and accepted by the United States and the United Nations?

Why did Prime Minister Malval resign in disgust last year?

What is the real effect of sanctions on the poorest of Haitians? And certainly we know what tragic impact sanctions are having on the poorest of Haitians.

What is the human rights record of Aristide and Cedras governments? I think we ought to take a look at both. I do not think in either case you are going to find them to anybody's liking.

Is it feasible to establish a safe haven on Haitian soil, a proposal endorsed by the House of Representatives?

The commission established by my amendment would not review such questions with a stacked deck. It would not rely on the spin control of high-priced lawyers and public relations firms. It would provide an objective view of the situation by the Congress and for the Congress.

Madam President, earlier this month, as I mentioned, I received this letter signed by a majority of the Haitian Chamber of Deputies, some 48 Haitians. In the letter, the Deputies request that a bipartisan commission be designated to assess the situation in Haiti first hand.

A week later, one of the signatories of the letter, Duly Brutus, wrote a Washington Post article supporting a congressional commission. This Member of Parliament was democratically chosen in the same election which Aristide won in 1991 and is every bit as legitimate as President Aristide. I do not know if Bill Gray has met Duly Brutus. I do not know how many Haitians he has met with beyond Aristide's circle. I do not know if he has been to Haiti recently.

I do know that U.S. policy should be based on all the available facts. I do not believe that 45 days and an independent review by Congress is too much to ask. In 1984, with bitter partisan debate toward United States policy in Central America, President Reagan listened to Congress and appointed a bipartisan panel. It was called the Kissinger Commission. I think the cochairman or vice chairman was Robert Strauss, later to become Ambassador to Russia, and a very fine Democrat.

I remain ready to work with the President in creating such a commission. I am confident the executive branch will work cooperatively with this congressional commission if this amendment is adopted.

I urge my colleagues to support this amendment, and I ask unanimous consent that the letter from the parliamentarians be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

REPUBLIQUE D'HAITI,
CHAMBRE DES DEPUTES,
Port-au-Prince, July 1, 1994.

Hon. ROBERT DOLE,
Minority Leader, Senate, Washington DC.

HONORABLE SENATOR: We are writing to you and other members of the bipartisan congressional leadership to request your participation in and support for an effort to peacefully resolve the political crisis that has engulfed our country and threatens to ensnare yours.

The dire consequences of Haiti's political crisis in addition to the sanctions for our society and economy are increasingly evident.

We are certain, however, that foreign military intervention cannot provide a foundation for a lasting solution to Haiti's problems. It must be noted that as Parliamentarians we firmly oppose the very idea of a military intervention which is, in any case, reproved by the different sectors comprising Haitian society.

In order to avert such a development, we think it critical that democratically-elected legislators in both of our countries establish a dialogue with each other in solemn effort to find a peaceful solution to the crisis.

Ideally such a dialogue would have been established at an earlier stage of the crisis, but we believe that it is not too late to begin working together to find a peaceful, democratic solution.

We would recommend as a first step that the bipartisan leadership of the Congress, or a group of Members designated by the bipartisan leadership, visit Haiti to assess the situation in our country first hand and to meet with Deputies from all parties elected to the Haitian Parliament.

In view of the advanced stage of the crisis, we believe this visit should occur as soon as possible.

We are available, of course, to meet in Washington with you and other members of the congressional leadership, or with Members designated by the leadership, but we believe that any such meetings should be held in addition to rather than as a substitute for a visit to Haiti.

We seek a political solution in Haiti under which human rights and the democracy will be fully respected and which would further more put an end to the degradation of the country socio economic problems while contributing to the promotion of human rights in Haiti. We are confident that it is not too late to achieve these objectives by means short of foreign military intervention.

We urge you to join us in finding a political solution along the lines described above. Please come to our country to learn more about our actual situation and to help us forge a peaceful, democratic solution.

Sincerely,

Frantz Robert Monde, Président; Député Marc Ferl Morquette, Vice-Président; Député Gabriel Antoinier Clerva, Deuxième Secrétaire; Député Benoit Beaubrun; Député Evans G. Beaubrun; Député Edmonde S. Beauzile; Député Emmanuel Reyme, Premier Secrétaire; Député Frédéric Cheron, Questeur; Député Yves Périclès Beauge; Député Pierre Duly Brutus; Député Joseph E. Beaumier; Député Jn Gardy Charlotin; Député Mie Junie Creve-Coeur; Député Job Dornevil; Député Delicier Geffrard; Député Appolon Israel; Député Jean Lionel Bouzi; Député Lafontant Clervil; Député Milcent Datus; Député Jn Eddy T. Desjardins; Député Pierre Simon George; Député Sorel Jacinthe; Député Jn Baptiste Laveaux; Député Girard R. Jn-Francois; Député Géla Jn-Simon; Député Josué Lafrance; Député Joseph Benoit Laguerre; Député Déus Jn-Francois; Député Jn Néland Jn-Luis; Député Lonnes Joseph; Député Firmin Milou Laguerre; Député Joseph Lambert; Député Jonas Louis; Député François S. Moise; Député Rita F. Moncoeur; Député Olipcial Regis; Député Millevoye Sanon; Député Denis St Fort; Député Joseph Félix Mathieu; Député Paris Moise; Député Roosevelt Ovide; Député Gabriel Sanon; Député Pierre François Vital; Député Geffrard Etienne; Député Seignon Jn-Jacques; Député Léosthène Charlot; Député Jacques Lafleur; Député Ancelot Venort.

Mr. DOLE. Madam President, let me just conclude by suggesting that 45 days—that would probably be mid-September, by the time this bill goes to conference—Congress will be in session in mid-September. Those members of the commission would have time during the August and September break, if there is to be an August break, to visit Haiti and to have appropriate hearings, whatever might be necessary.

This is totally bipartisan. As far as I know, nobody, as I said, has any preconceived notions on what should happen. I know this is a big, big issue in the State of Florida. I know in the State of Florida, they are very concerned about more and more and more immigrants coming to Florida and the burden it places on the State of Florida.

I hope that the President will see this effort as an effort to be of assistance, to remove this from what has become, at least as I view it, as sort of a partisan effort and it ought to be a nonpartisan effort or a bipartisan effort.

There has been very little consultation by the White House. I understand there may be some consultation later today. But the best way, in my view, to support whatever the President may decide to do is to have some bipartisan congressional group. Congress has a role to play in foreign policy. Congress has a role to play in Haiti. And Congress ought to be given that responsibility. I think they are willing to take it.

I would be very happy, if everything else failed, if the majority leader and the minority leader sat down and said, "OK, we are going to appoint this special group to find facts." Maybe we do not need the legislation. I think we can accomplish the same without it. But there would be certain advantages to having Congress approve the commission.

This is a very important concern. I listened to Congressman RANGEL last night on television. Obviously, he is very concerned about Haiti and has every right to be concerned about Haiti. I have great respect for Congressman RANGEL. I think he has not clearly decided which course to follow, though he may at this point favor intervention.

I do not believe anybody, regardless of their position today, would not be willing to give us 45 days or 60 days to take a look at the facts, bring back the facts, give those facts to our colleagues, Democrats and Republicans alike, and then let us make a judgment at that time, working with this administration.

That is the basis for the amendment, and I hope that my colleagues will see some merit to the amendment. I am not certain whether there will be a vote on this amendment. I know there is another amendment pending. I know some of my colleagues on this side may wish to speak on the amendment, and I yield the floor.

EXHIBIT 1

[From the USA Today, July 13, 1994]

INVADE HAITI? WE'VE DONE IT BEFORE—AND FAILED

Temptation to invade Haiti swells with each new outrage by the military gangsters running the show there. Especially for President Clinton.

He's up to his ears in Haitian refugees, he's suffering a foreign policy flop a week, and his Haiti policy spins chaotically from one questionable tactic to another.

Small wonder he threatens invasion, particularly with Haiti's thugs now booting out international human rights monitors in defiance of the international community.

After all, conquering this Caribbean nation the size of Maryland is almost a nobrainer. Overwhelming 7,500 poorly equipped Haitian troops with the full bore of the world's most sophisticated fighting force could take just hours, maybe days. Casualties, though painful, would be few, perhaps on a par with the 1983 Grenada invasion that killed 19 Americans.

Just one problem: That's where the good news ends. So before we send in the Marines, take a moment to look at what could happen next. History suggests an outcome far less satisfying than we might wish.

The last time U.S. troops tried to rescue Haiti, they stayed 19 years.

That was in 1915. Haiti had gone through seven presidents in eight years, and President Woodrow Wilson concluded that Marines could teach Haitians how "to elect good men." U.S. forces took over Haiti's finances, imposed their idea of order, dissolved the Congress and mandated a new constitution. An uneasy peace resulted, but riots and strikes erupted just before forces pulled out in 1934. Marine officers left convinced that Haiti could only be run by dictators.

Many Haitians still blame the USA for humiliating the world's first black republic with that "white-man" occupation. And they blame the USA for later support of despot Jean-Claude "Baby Doc" Duvalier.

Another invasion certainly won't change that attitude. More likely, it will be resented by the very people we aim to help.

Even Haitians fed up with the violent military junta that overthrew popularly elected President Jean-Bertrand Aristide in 1991 are unlikely to welcome lingering occupation forces. And not just because of bad, old memories.

When Duvalier fled in 1986, his brutal followers were hunted, tortured and killed. In the wake of this invasion, U.S. forces could easily find themselves with the unsavory task of protecting anti-Aristide forces.

Then there's the daunting challenge of establishing democracy in a nation that is a political, economic and environmental basket case.

President Clinton painted himself into this corner by imposing severe economic sanctions that drove Haitians from their homeland by the thousands.

Before he blasts his way out of this dilemma with U.S. firepower, the president should consider long-term costs of U.S. intervention, not just short-term rewards.

[From the New York Times National, July 13, 1994]

NO GOOD REASON TO INVADE HAITI

If the Clinton Administration is looking for a pretext to invade Haiti—a distinct possibility—it has just been handed a dandy one.

The army-backed Government's abrupt expulsion of foreign human rights monitors is a defiant slap at the United Nations and the Organization of American States. By threatening the safety of these international civil servants, Gen. Raoul Cédras and his crew have conveniently internationalized what has been essentially a domestic political crisis, finessing the objection that an invasion would violate Haitian sovereignty.

It is a conscious provocation, daring Washington to override domestic skepticism and invade. But unless force is literally needed to protect the monitors' lives, the Administration should sit tight and settle down to a policy of sanctions, sanctuary and intensified international diplomacy.

An invasion will not create a workable Haitian political system, win regional respect or set a constructive precedent for the use of force in post-cold war foreign policy. There is no guarantee of a quick exit or acclaim from the Haitian population, even the pro-Aristide majority. And it is not supported by Congress or American public opinion.

Nevertheless invasion is a seductive idea to some in the White House and the State Department because of frustration with the insolent behavior of Haiti's generals, a desire to refute doubts that this Administration is prepared to use force and fear of the political consequences of the continued massive exodus of Haitian refugees.

The better, if less dramatic, policy is to let recently tightened international sanctions do their work, pressuring countries like France to suspend commercial flights and cooperate in arranging refugee resettlement; and to find enough safe haven sites, including some in the U.S., to assure that no fleeing Haitian is forced to return home.

Force is a blunt instrument. It cannot solve political problems. It kills people, including American troops, who should only be asked to die when vital national interests are involved. It punches holes in the international legal order. It is sometimes necessary but must be used only as a last resort.

Democracy and human rights are national interests for the U.S. But except for refugees, what is going on in Haiti affects only Haiti. Fear of the political consequences of admitting legally qualified but politically unpopular refugees is not a very good reason for invading a country.

[From the Washington Post, July 7, 1994]

ALTERNATIVE TO INVASION

PORT AU PRINCE.—It would be ironic—as well as tragic—if the United States, in the name of democracy, were to intervene militarily to achieve the return of President Jean-Bertrand Aristide to Haiti. It is hard to think of anything that would do more damage to democracy.

No reputable political leader or party in all of Haiti—including Aristide—welcomes the use of military force to achieve his return. Haiti is one of the poorest nations in the world. The only dignity left to us is our sovereignty and our independence. For the United States to strip that away would be taking away the last vestige of our self-respect.

Such a forcible intervention would only generate entrenched and rigid opposition from all political classes of Haiti—including Aristide's supporters. And those supporters could be expected to be among the first to criticize the United States for conducting such an operation—even if the return of Aristide is the reason.

Everyone in the international community knows that the military of Haiti is unwilling to abide by the will of the majority as expressed in democratic elections. But the military is only one part of the problem. The weakness of democratic political institutions and the absence of a democratic culture are other parts. While the U.S. military is most certainly able to drive the Haitian military from power, it is less certain that the U.S. military would be able to build the political institutions or culture necessary for democracy to succeed. That remains for Haitians. I believe a U.S. invasion would damage Haitians' ability to build those institutions in the future.

Aristide's return to Haiti depends on his skill as a politician and, above all, his capacity to become a truly national leader. If he were a great force for national unity and reconciliation—as Nelson Mandela has been for South Africa—he would have returned to Haiti long ago. Those who know South Africa know that Mandela compromised at every turn to achieve truly democratic elections.

Today Aristide is also being tested on his willingness and ability to arrive at a compromise that will result in the departure of the high command. In the past, whenever his political skills have been most needed, he has stumbled and made it possible for the high command to find arguments to remain in power.

Aristide and his advisers have been unable to build precisely the kind of grand consensus that would make his return a political triumph for all of Haiti. His failure to achieve that victory threatens to produce a national disgrace: his return to Haiti on the shoulders of the U.S. Marine Corps.

In the past, the power of a grand national movement has worked to advance democracy in Haiti against difficult odds. In 1990 the political classes, in partnership with the economic elite and government employees, overthrew another ruthless dictator, Prosper Avril. Avril was much stronger than Gen. Raoul Cedras has ever been, but the national consensus against him was ever more powerful.

With political skill and vision, Aristide could still build that consensus. Sadly, however, he is a force for disunity and division. He has played the role of conflict seeker rather than consensus builder. Every time Haitians have come together over the past two years to try to build a broad-based consensus for democracy, Aristide—just as much as the high command—has been a reluctant if not recalcitrant participant.

It is instructive to look at his three different appearances before the United Nations at times when, without his personal participation, there would have been international consensus on Haiti. In 1991 Aristide denounced President Joaquin Balaguer of the Dominican Republic as a racist and called on the United States to lift its economic embargo against Cuba. In 1992, after he had been removed from office by coup, Aristide denounced the pope as racist. Most recently, in 1993, he called for diplomatic recognition of Taiwan.

Political consensus in Haiti is difficult if not impossible without political consensus in the United States. Congress should create a bipartisan commission on Haiti to listen to all the actors and make recommendations to the president. Such an approach would contribute to the emergence of a dialogue and a real national consensus in Haiti. Nelson Mandela, with his legendary popularity added to his legitimacy as a democratic leader, achieved a consensus that has allowed formation of his new government. That search for consensus should guide American and Haitian political leaders as well.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Virginia.

Mr. WARNER. Mr. President, I commend the distinguished Republican leader, and I join him as a cosponsor on this amendment.

Yesterday afternoon, the Senate Intelligence Committee conducted an extensive and indepth hearing, with administration officials, primarily from the intelligence community, concerning the very complex issue of Haiti.

While I am not at liberty to go into the details of that hearing, I wish to assure the Senate that these details can be made available to each Member and that they deserve the closest scrutiny at this critical time.

I have joined the Republican leader on this amendment because I think he has come up with the most viable approach to this problem that I have seen put forward by anyone to date. In reaching this conclusion to support the leader, I have undertaken an in-depth study of the history of the United States and its relations with Haiti. I urge each colleague to go back to 1915, when the President decided to send the U.S. Marines into Haiti to try to bring about some order, some stability and to lessen human suffering. At that time it was expected that the Marines would be in Haiti for a short period of time.

That short period soon evolved into many years. As a matter of fact, it was not until 1934 that the Marines were withdrawn.

Those who advocate using U.S. military forces to invade Haiti claim that it would only take a matter of hours for U.S. forces to achieve their initial objectives. But I have not seen the analysis that I feel is absolutely essential concerning what happens after the Haitian military leaders are removed from power. Have those persons advocating this invasion gone back and studied, as I and other Members of this body have, the history of the last time the United States sent forces into Haiti? I think it is essential for every Member of the Senate, indeed of the Congress, to study that chapter of our history and know full well the consequences which might follow an initial use of our military in Haiti.

Mr. President, I will ask unanimous consent at this time to place in the RECORD an editorial from today's New York Times, which questions the wisdom of those who argue for military action by this country; as well as an article from the Wall Street Journal.

And I hope to receive from the Department of Defense today in time to incorporate in the RECORD, some material about that critical chapter of 1915 to 1934 when the U.S. Marines were called on to perform a task not dissimilar to the one that is being contemplated today.

There being no objection, the editorial were ordered to be printed in the RECORD, as follows:

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[From the Wall Street Journal, July 13, 1994]

HAITI—NO GRENADA

(By William Perry)

The debate over the merits of U.S. military intervention in Haiti has many curious facets. One of the most obvious is that the liberal doves of yesteryear now seem to have recanted their prejudice that Washington can do no good in the world (especially through military means), as well as their attachments to the principle of nonintervention. And they now invoke precedents, like Grenada, to make their case. Unfortunately for this line of argument, the situations within Haiti and Grenada are not comparable. The wider international context has been completely transformed since 1983.

The nominal purposes of a U.S. military intervention in Haiti would be to "restore" democracy to that country and to stanch the flow of refugees from there to our shores. But the fact is that the use of U.S. forces to oust the current regime in Port-au-Prince and substitute a government headed by Jean-Bertrand Aristide is unlikely to produce these results. And any effort to secure them would involve America in a complicated, long-term commitment for which even the most fervent advocates of intervention are not prepared.

The first thing to appreciate about Haiti is that it is the least developed country—both economically and politically—in the Western Hemisphere. To speak more bluntly: At its present state of development, Haitian society may be incapable of sustaining an authentic and functional democratic political system by itself. And the messianic, problematical personality of Mr. Aristide will not make this inherently difficult task any easier. Such judgments are not based on ideology—much less on racism. In fact, the example of Grenada demonstrates that what truly matters is a country's political culture and its level of economic development.

Thus, in Grenada we were confronted with a group of malefactors who could be surgically removed—in short order and at low cost—gratifying the local population and allowing that country's naturally democratic institutions to resume their normal function. But with regard to Haiti, we would either install Mr. Aristide and promptly leave—in which case he would soon find himself involved in grave difficulties (probably requiring another intervention)—or we would have to stay on for a long time.

A DIFFICULT PARTNER

Even if the United Nations could be induced to join us in a longer-term effort, the heart of an occupation force would be American—and seen that way in Haiti and abroad. We would be functioning, in effect, as the security force of an Aristide government. Inevitably, he would prove a difficult partner, while his opponents would blame us for whatever policies he pursues. More fundamentally, we would face the task of transforming Haiti's political culture in the teeth of that nation's fierce and somewhat paranoid nationalism. Ugly incidents would be bound to occur and substantial obligations undertaken, both to sustain the occupation and to refloat the Haitian economy with further financial aid. Frankly, it is doubtful whether U.S. public opinion has the stomach for all this.

The other major difference between Haiti in 1994 and Grenada in 1983 is the international context. The early 1980s were characterized by an effort on the part of the Reagan administration to contain and reverse the Soviet expansionism that was evident during President Carter's tenure—and to make the "evil empire" pay the highest possible price for the aggressive course that it has been pursuing.

In this high-stakes global game, the very future of the U.S. was seen to hang in the balance. The Western Hemisphere, where the Soviet-Cuban axis was operating in Central America and the Caribbean, had emerged as a significant area in that competition. Grenada had become the third ally of Moscow in the arena (along with Cuba and Nicaragua). Thus, the bloody internal struggle that tore apart the Marxist New Jewel movement in Grenada presented dangers of even greater extremism there—and, alternatively, opportunities for the U.S. containment of Soviet designs—that could not be ignored.

Haiti in 1994 does not fit into any such strategy to protect vital U.S. interests. The Clinton administration has as yet been unable to articulate any grand design to meet the challenges of the new post-Cold War world. In fact, its vacillating course on the international scene, combined with a painful ambivalence about the use of force that weakens its credibility, has contributed a great deal to the situation we now face in Haiti. As a result, the protagonists in the local struggle have scant respect for the views of the Clinton government. Of equal importance, little in the way of support from the American people can be expected.

Undoubtedly the U.S. would have to use its military forces if the situation in Haiti exploded to the point that the lives of our citizens and those of other foreign nationals were seriously threatened. But armed intervention to install Mr. Aristide and to halt the tide of refugees would be a serious mistake—in no way justified by our previous experience in places like Grenada.

Mr. WARNER. A second subject that we covered at some length yesterday—and again I am handicapped, understandably, by the classification level at that hearing, but I pressed at length about whether or not the administration has examined all of the options regarding policy toward Haiti. The Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff will be in the Senate today consulting with the leadership on this and other issues. But I question whether we have fully looked at all of the options which may be available to us, other than the use of U.S. military force.

Second, I question the degree to which the United Nations will or will not participate in a military mission in Haiti. It is very easy to say we should go in under the auspices of the United Nations. Time and time again here in this Chamber, primarily in connection with Somalia and to some extent Bosnia, my colleagues have quite justifiably questioned command and control of military operations under the auspices of the United Nations. I would like to see such arrangements spelled out with great clarity if, indeed, the United Nations is to be involved in a Haiti operation.

This Senator has been informed that if the military leadership in Haiti is removed, there is a question as to whether or not such a move would precipitate civil war throughout the country. We should consider this possibility and other possible consequences of a U.S. military invasion. This is a decision not to be taken lightly.

Furthermore, this Senator would want to know exactly what role, if any, other nations in the hemisphere are going to play. Is this going to be solely

a U.S. operation or is it to be a multilateral venture? Will other nations help with the problem of restoring some stability to Haiti and providing the economic assistance that would be necessary in the aftermath of any military action?

Mr. President, the Senate Armed Services Committee will soon be completing a report on Somalia. It has been my privilege to work on that report with my colleague from Michigan, Mr. LEVIN. We have taken extensive testimony, interviewed almost everyone that played a key role. The experience of developing that report on Somalia directly relates to my concerns in the case of Haiti. We have not as yet fully documented lessons learned in Somalia. I hoped that we could do that before, once again, we send our troops forward from these shores in the cause of trying to lessen the hardship of other citizens of the world.

I question whether the United States has national security interests in Haiti which would justify the use of the United States military. Yes, it is but a short distance from our shores as compared to Bosnia and Somalia. But that fact alone, to this Senator, does not justify an immediate conclusion that there are security interests involved. Humanitarian interests, yes. That is apparent; but that is not enough to justify a military invasion.

In the course of the deliberations on the Senate Armed Services authorization bill, I produced a chart prepared by the Defense Intelligence Agency showing that as of today there are no less than 60 areas of the world in which hostilities are occurring, resulting in human suffering of varying degrees.

That compared with an analysis using the same parameters 7 years ago showing 30-plus areas of the world in which there were hostilities and human suffering. This is a very troubled world. We have to be very careful as a Nation to determine the criteria we use to send our men and women in the Armed Forces beyond our shores to try to lessen the hardship in the world.

Mr. President, I urge all colleagues to take a close look at this amendment and, hopefully, join with the distinguished Republican leader in this effort. I urge that we take the steps outlined in this amendment, in this real view of leadership taken by Senator DOLE in relation to this serious problem in Haiti.

I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire [Mr. GREGG].

Mr. GREGG. Thank you, Mr. President.

I rise to comment also on the proposal of the senior Senator from Kansas, the Republican leader. I think it is a very constructive effort to try to address the Haitian situation. A week and a half ago, I offered an amendment on this floor to ask that the President be required to come to this Congress, this Senate, and explain and report the purposes which he was pursuing in Haiti before he used any military force in Haiti.

The Senate decided that, rather than pursue it in a manner which would require that it occur relative to funding to be available, to rather make it a sense of the Senate to call on the President to come to this Congress and explain his purposes relative to Haiti.

Yet, we have not heard that explanation. Today, it is fairly clear that this administration has positioned itself to use military force in Haiti. There is no question about that. In fact, one of the national channels, CNN, was reporting yesterday the date on which the invasion would occur. They said it was going to occur within 10 days. They said the reason it was not going to occur today or in the next few days was because the President was out of the country and the Secretary of Defense was going to be out of the country. So they were specifically reporting, from the Pentagon I might add, that the invasion would occur within 10 days.

When we have reached that point of intensity of threat for the use of American forces, we need to know why. The American people need to know why. The fundamental question has to be when an American soldier is in the streets fighting for his or her life, whether it is in the streets of Port-au-Prince or in the streets of Somalia, that American soldier has to know why he or she is there putting his or her life at risk, and the American people need to know why that is occurring. The national interest has to have been defined, a national interest significant enough to be willing to put at risk an American life, and to be willing to put at stake the American military prestige. This President has not defined that national interest.

Is the national interest the failure of his policy and sanctions which has created the immigration issue? Is the national interest the fact that you have a thuggery running the country? Is the national interest the fact that the country is impoverished? I do not happen to think that the threshold question of national interest is met by any of those issues.

This Presidency has not been able to make the case that the refugee issue from Haiti involving Haitians represents a clear national interest which requires us to use military intervention there. In fact, the refugee issue is a self-created event, self-inflicted wound generated by the policies of this administration as they pursue the sanction policy which has impoverished the people of Haiti while enriching the thugs who run Haiti, and then at the same time taking a bumper car approach of how they deal with refugees, one day saying they will give them political asylum and the next saying they will not give them political asylum and encouraging Haitians to leave their country in hopes of a better life when in fact we are not going to be able to accept them here.

So it is their own policies that have created this exodus, and the numbers involved in this exodus, although large and compelling, certainly do not impact us as a nation as much as, for example, the numbers of people who are illegally immigrating here from other nations in the Western Hemisphere. In fact, they are only a small fraction of the people coming into our country from, for example, Mexico.

So the case for national interest for invasion cannot be made on the basis of illegal immigrants or the refugees. It cannot be made on the basis of fact that there are a bunch of thugs running the country that have taken over that country from an elected democracy for elected leaders. That has occurred in other parts of this hemisphere, and is in fact the case in a nation even closer to our shores than that, and the people have been repressed. But it does not justify military intervention.

It cannot be made for the reason that this is a very impoverished country because, regrettably, there are a number of impoverished countries in this world, and that does not justify military intervention.

So this administration simply has not made the case for why we should initiate military intervention. Until it makes that case and makes it to the American people, it would be a tremendous mistake to pursue such a policy.

Thus, I rise to support the proposal put forward by Senator DOLE, which makes the very reasonable suggestion that, if the President is not going to lay out the justifications for American policy relative to Haiti or if that policy is going to change basically on an hourly basis by this administration, that the Congress needs to step in and at least find out what is going on and give some definition to American policy. That is what the Dole amendment basically proposes: that we as a Senate and we as a Congress fulfill our role in the area of giving advice and consent in the area of foreign policy and design and assist this administration, which really needs a tremendous amount of assistance, in giving some definition to what is the American purpose relative to Haiti.

Clearly, at a minimum, at an absolute minimum, this should be done before we put American lives at risk. What Senator in this body is going to want to go to the loved one of a soldier who has been wounded, or maybe even lost his or her life as a result of being put into the streets of Port-au-Prince in a military action? What Senator is going to want to go to that mother or

that father or that spouse, that husband, that son, that daughter and try to explain to them what it was that their son or their daughter or their husband or their wife went to war for? What was the American interest? I could not do it. I would not want to be put in that position.

I do not think we should ask our American soldiers to go into Port-au-Prince or into Haiti unless they know what they are going in for. That is a basic element of a democracy that you do not ask your people to fight unless you know and tell them what they are fighting for. This administration has not done that. It continues to fail on that account. Therefore, the Dole amendment is an attempt to try to clarify the situation.

So I strongly support it.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky [Mr. MCCONNELL].

Mr. MCCONNELL. Mr. President, let me briefly commend the Senator from New Hampshire for his comments and the particular leadership he exhibited when we discussed a different approach to the Haiti question. I suspect that the President thinks that many of us are trying to embarrass him on Haiti. We are not. We are clearly trying to force the administration to come to grips and define an appropriate policy, Mr. President.

I am not going to read them all, but I have a list here of quotes on Haiti policy by people who are friendly to the President. The chairman of the Black Caucus in the House said the other day: "It is a policy of anarchy." An adviser to Aristide said just 3 days ago: "I am simply lost. Once again, there has been policy derailment."

Carl Rowan, a columnist we are all familiar with and frequently read, who is certainly not hostile to the Clinton administration, said 2 days ago: "He is about to invade because he hasn't the foggiest notion of anything else to do."

This is not the Senator from New Hampshire or the Senator from Arizona or the Senator from Kentucky making these remarks. This is Carl Rowan, a prominent columnist that we all admire and read frequently.

So the point we are trying to make to the President in a variety of different ways is define and stick with a policy on Haiti. The Republican leader has come up with a good suggestion on this congressional commission because, clearly, before you do anything in Haiti, we are all going to have to be participants in it. The message we have been trying to send to the President of the United States is there is no way, practically speaking that he can politically, or should strategically, or for any other reason, invade Haiti without coming to us for some consultation.

So we are not here having this debate because we are trying to embarrass the President of the United States. We are having this discussion because, Mr. President, we do not understand the policy and cannot comprehend how he can justify an invasion of this tiny island. As numerous speakers have pointed out, the last time the United States did it, it did not work out too well. So we are trying to send a message—hopefully not in a confrontational way—to the President, that if he has any notions of invasion, let us not do that. So the Republican leader has suggested this congressional commission, with a very limited lifespan of 45 days, composed of people who represent the body that he will have to consult—the Congress—in order to make any kind of invasion fly with the American public.

So I commend the Senator from New Hampshire for his continuing involvement in this issue. The Senator from Arizona is about to speak as well. We have come at this issue with amendments in a little different way. Some of us have had problems with them if they intended to restrict the President's involvement in advance; but, fundamentally, we are all in the same place. I think we are saying in a rather unified chorus: Do not invade, Mr. President. And do, by the way, try to figure out what the policy ought to be.

There were 15,000 new refugees created in the last few weeks because of what they think the current policy is. People are leaving the country, scrambling to get out. Obviously, what we are doing now is not working. Maybe some of us up here may be able to offer some good advice to the President as he seeks to formulate a policy that will work.

I am certain that the invasion option is an inviting thing. I mean, most military advisers would think that the initial invasion would be a piece of cake. But then we all know—as it has been frequently discussed as we have debated Haiti on other occasions—what happens then. So you topple the government and what do you have? Then you have the responsibility—a highly questionable option.

I commend the Senator from New Hampshire for his most important contribution to this debate and join the chorus of those saying to the President: Please do not invade; it is not a good idea. I know it is tempting, and it might be doubly tempting if we are out of here during the August recess.

Mr. President, we should say to the President of the United States that there will be an uproar across America if there is an invasion of Haiti, particularly if it is not conducted after careful consultation with the Congress. And just because there may be some Americans in Haiti that will be a strained way to justify such an invasion, because there is no evidence that any of them are under a threat of bodily harm or would welcome such action.

So I think the Republican leader has certainly crafted an interesting and appropriate approach so that Congress might speak on this Haiti issue. We have been trying to. We have been working at it in different ways. The amendments may not be clear, or the pattern may not be clear of the amendments, but the message should be clear and unambiguous, Mr. President.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. I would advise the Senator that there is a rollcall vote scheduled for 3:30 p.m., at which time the Chair will have to interrupt the Senator, but then he will immediately regain the floor following the vote.

Mr. MCCAIN. I thank the Chair.

Mr. President, I rise in support of the Dole amendment. I want to associate myself with the remarks of the Senator from New Hampshire and the Senator from Kentucky, who I think make very important points.

There are several reasons why this amendment—although perhaps unusual—is very important and compelling. One is that, in my view, with a caveat, this country is headed toward an invasion of Haiti. The embargo policy which starves children and women and poor and elderly and prevents rich people from flying to Miami ratchets up in a most distressing way the poverty and deprivation of the Haitian people. This in turn drives them into boats and drives them into either safe havens, or Florida, to be returned after some period of time.

The caveat I have to the likelihood of this invasion is that the President of the United States like all Presidents, pays close attention to the polls, and the overwhelming majority of the American people are in opposition to a military invasion of Haiti. The overwhelming majority of the military leadership in this country, uniformed military leadership, is also opposed, not because, as the Senator from Kentucky stated, it would be a difficult military operation initially, but because once we are enmeshed in this very difficult and complex situation, we would sooner or later face very fierce resistance on the part of the Haitian people who, for whatever reason, do not want to be invaded and occupied by a foreign country or countries.

So we are headed toward an invasion, and perhaps, as my friend from Florida, who I see on the floor, very articulately argued, there is a reason for an invasion. But if there is going to be one, there should be consensus in the Congress and among the American people before we do so.

Unfortunately, this administration has not—I repeat, has not—consulted in a bipartisan fashion with Members of Congress—not on this issue or practically any other issue. I regret it, and

I strongly urge this administration to do what previous administrations have done, both Republican and Democrat, and that is start consulting with Members of the opposite party. It has not happened, and they could probably spare themselves a lot of grief and criticism if they would begin to do that.

There are some of us that still believe that partisanship ends at the water's edge, but when not consulted, we have to draw our own conclusions and reach the American people in the most effective fashion.

The other reason, Mr. President, why there is a need for this bipartisan commission is because of the incredible confusion which has characterized the conduct of the United States' policy in Haiti.

Mr. President, I ask unanimous consent that the vote be delayed for an additional 7 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, I want to accommodate the Senator from Arizona. I am thinking of the two hearings that are going on. We can delay the vote 5 minutes.

Mr. MCCAIN. I understand. I withdraw my unanimous-consent request.

Mr. LEAHY. If the Senator wants 5 minutes, all right.

The PRESIDING OFFICER. Without objection, the vote will then occur at 3:35 p.m.

The Senator from Arizona has the floor.

Mr. MCCAIN. Mr. President, there have been in my view five Clinton policies on Haiti.

The first policy was that of candidate Clinton, who called the Bush policy of forcibly returning fleeing Haitians immoral. Candidate Clinton said, "I am appalled by the decision of the Bush administration to pick up fleeing Haitians on the high seas and forcibly returning them to Haiti."

The second policy was that of a President just beginning to understand that being a candidate and being President are vastly different things. He announced just before the inauguration a policy identical to the Bush policy—that he would continue to intercept fleeing Haitians and retain them. The intention was to prevent the massive outflow of refugees that may have accompanied his inauguration.

The third policy was policy by hunger strike. The change came on May 8 under pressure from the Congressional Black Caucus and Randall Robinson. The new policy proposed to process refugees on ships off the coast of Haiti and in third countries. The new policy took effect on June 16, 1994, and then began the new flood of refugees, exactly what Clinton had sought to avoid before his inauguration. Between June 16, when the policy changed, and July 7, roughly 14,000 Haitians were picked up at sea. This is a massive number if compared to the more than 45,000 between the coup in September 1991 and June 16, 1994.

The fourth policy came this last Tuesday, 3 weeks after the second policy. This was a policy once again designed to stem the flow of refugees. Refugees would be taken to out-of-country processing centers. If they were found to have a legitimate claim to persecution, they would have been allowed to stay in the refugee camp. If not, they would be returned to Haiti. This was backed up by statements from the administration such as William Gray, "Those who take to the boats will not have resettlement possibilities in the United States."

The fifth policy came a day later, apparently under pressure from the Black Caucus and others. Once again a tough policy designed to stem the flow of refugees was overturned for political reasons. Refugees would not have to prove a fear of persecution to stay in the third country refugee camps, although they would still be barred from coming to the United States.

We are telling the refugees "come" and "do not come." The nuances of the policies may be lost on them. The constant flip-flops are causing tragedy off the coast of Haiti every day.

There have also been changes in Clinton's policies on military intervention. Last fall the President said that he was only contemplating military involvement as part of a peaceful U.N. brokered settlement.

Later he said military force to restore Aristide could not be ruled out. October 13, 1993:

> I have no intention of asking our young people in uniform * * * to go in there and do anything other than implement a peace agreement.

May 13, 1994:

> I think that we cannot afford to discount the prospect of a military option in Haiti.

Mr. President, we have to have consistent policy, as said by Congressman MFUME just a couple days ago. We have got to have a consistent policy even one that this Senator may disagree with. We are confusing our allies, encouraging our enemies, and the response of the military leadership in Haiti is only one group that has been encouraged.

Questions need to be answered, Mr. President. What basis under international law would justify the United States invading at this time?

If United States troops occupy Haiti, they will become the police power there. What will American forces do if Haitian citizens take mob action in the street against their purported enemies? Will they shoot Haitians if necessary to prevent violence by Haitians against Haitians, or will they stand by and permit mob action including necklacing to occur?

What strategy do we have to remove American forces once they are committed to Haiti? Will we remove our troops if President Aristide requests that we do so within weeks after an invasion? What assurances do we have that the United Nations, or another international institution, will deploy a force to relieve American forces? How quickly would they do so? If we do not have such assurances, what is our exit strategy for the United States?

Mr. President, I note that the hour has almost arrived. I will save the remainder of remarks until after the vote.

The PRESIDING OFFICER. The Chair thanks the Senator from Arizona.

VOTE ON AMENDMENT NO. 2240

The PRESIDING OFFICER. The question occurs now under the previous order on amendment No. 2240 offered by the Senator from Kentucky. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Georgia [Mr. NUNN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Georgia [Mr. COVERDELL] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 8, as follows:

[Rollcall Vote No. 190 Leg.]

YEAS—89

Akaka	Faircloth	Mathews
Baucus	Feingold	McCain
Bennett	Feinstein	McConnell
Biden	Gorton	Mikulski
Bingaman	Graham	Mitchell
Bond	Gramm	Moseley-Braun
Boxer	Grassley	Moynihan
Bradley	Gregg	Murkowski
Breaux	Harkin	Murray
Brown	Hatch	Nickles
Bryan	Hatfield	Packwood
Bumpers	Heflin	Pressler
Burns	Helms	Reid
Byrd	Hutchison	Riegle
Campbell	Inouye	Robb
Coats	Jeffords	Rockefeller
Cochran	Johnston	Roth
Cohen	Kassebaum	Sarbanes
Conrad	Kempthorne	Sasser
Craig	Kennedy	Shelby
D'Amato	Kerrey	Simpson
Danforth	Kerry	Smith
Daschle	Kohl	Specter
DeConcini	Lautenberg	Stevens
Dodd	Leahy	Thurmond
Dole	Levin	Wallop
Domenici	Lieberman	Warner
Dorgan	Lott	Wellstone
Durenberger	Lugar	Wofford
Exon	Mack	

NAYS—8

Boren	Hollings	Pryor
Ford	Metzenbaum	Simon
Glenn	Pell	

NOT VOTING—3

Chafee	Coverdell	Nunn

So the amendment (No. 2240) was agreed to.

Mr. D'AMATO. Madam President, I rise today in support of Senator MCCONNELL'S amendment that would condition Russian aid upon a commitment to withdrawal of all Russian troops from the Baltics. I would like to commend the Senator from Kentucky for offering this amendment, and I am pleased to be a cosponsor of it.

It is very important for Russia to understand that the colonial legacy of the Soviet Union is over. Russian policy vis-a-vis its neighbors leaves much to be desired. The insistence that Russia be allowed to settle disputes along its borders, smacks of imperialism and a rightist tendency that must be stopped. Having said this, I am very disturbed that President Yeltsin has refused to withdraw its 2,500 troops from Estonia by August 31, 1994.

The United States is providing $839,000,000 to Russia. This is no small amount of money. While it most certainly needs this assistance, it must also realize that it must follow a norm of behavior consistent with the rest of the civilized world. As long as Russia refuses to commit to the withdrawal of its troops from Estonia and the other sovereign Baltic States, then we must condition our aid to them on this issue.

The Baltics are free and independent States and Russia must recognize this. The presence of Russian troops represents a Russian dispute with this fact. The message that this amendment sends is an important one and one that must be clearly understood by Russia. I hope that my colleagues will support this amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2245

The PRESIDING OFFICER. The Senate now returns to the pending amendment offered by the Senator from Kansas, No. 2245.

Mr. LEAHY. Mr. President, I ask unanimous consent the amendment by the Senator from Kansas be temporarily laid aside.

Mr. MCCONNELL. Mr. President, reserving the right to object, it was my understanding that Senator MCCAIN was to be recognized.

The PRESIDING OFFICER. The Chair advises that the Senator from Arizona did indicate that after the vote we just concluded he would seek recognition to extend his remarks.

Mr. MCCONNELL. That was my understanding, Mr. President.

Mr. LEAHY. Mr. President, I think the Senator from Illinois is only going to need 2 or 3 minutes while we are waiting for the Senator from Arizona.

Mr. MCCONNELL. Mr. President, I therefore do not object. I do not see the Senator from Arizona.

The PRESIDING OFFICER. Without objection, the pending amendment, No. 2245, is set aside.

AMENDMENT NO. 2246

(Purpose : To allocate assistance that has as its objective the improvement of the lives of the poor)

Mr. SIMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration. I think it is agreed to by both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON], for himself and Mr. JEFFORDS, proposes an amendment numbered 2246.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 112, between lines 9 and 10, insert the following new section:

POVERTY REDUCTION EMPHASIS FOR DEVELOPMENT ASSISTANCE

SEC. . (a) Of the total amount of funds appropriated by this Act to carry out chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, a substantial percentage of the funds shall be available only to finance programs, projects, and activities that directly improve the lives of the poor, with special emphasis on those individuals living in absolute poverty.

(b) It is the sense of Congress that the President, in carrying out this section, should—

(1) promulgate appropriate standards for identifying those populations living in poverty;

(2) establish a program performance, monitoring, and evaluation capacity within the Agency for International Development that will develop and prepare, in consultation with both local and international nongovernmental organizations, appropriate indicators and criteria for monitoring and evaluation of progress toward poverty reduction; and

(3) take steps necessary to increase the direct involvement of the poor in project design, implementation and evaluation, including increasing opportunities for direct funding of local nongovernmental organizations serving these populations, and other local capacity-building measures.

(c) The Congress urges the President, not later than April 1, 1995, to submit to the Congress a report setting forth the progress made in carrying out this section.

Mr. SIMON. Mr. President, I believe this is acceptable to both sides. What this is, is a sense of the Senate that a substantial amount of our foreign aid has to go to those who are the poor in various countries.

Many people say that is happening already. Unfortunately, frequently in foreign aid programs we end up with consultant fees and all kinds of other things and they do not get the priority. Back some years ago, when I was in the House, I got an amendment on saying that 50 percent ought to go, at least, to those who are poor within the countries that receive foreign aid, with the exception of the Middle East situation, which is special. That was accepted in conference at 40 percent.

Then a few years ago, unbeknownst to me, that was quietly slipped off.

I think this sense of the Senate, with the requirement that we get a report back on what is happening, is acceptable to everyone. I think it moves our aid program just a little more in the direction that we ought to be going.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have no objection to the amendment. I believe it has been cleared.

Mr. MCCONNELL. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois.

The amendment (No. 2246) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I know there are a number of people who will speak on the Dole amendment when it recurs. I understand the distinguished Republican leader anticipates a vote tomorrow, as opposed to today, on that amendment. So I suggest, Mr. President, if there are others who have amendments that have either been cleared or could go quickly to a vote or otherwise—let me ask the Presiding Officer, what now is the parliamentary situation?

The PRESIDING OFFICER. The Senate has now returned to amendment No. 2245 offered by the Senator from Kansas.

Mr. LEAHY. And that is the pending business?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Is my understanding correct that the yeas and nays have been ordered on that amendment?

The PRESIDING OFFICER. The yeas and nays have not been ordered on that amendment.

Mr. LEAHY. I am not requesting them. I leave that to the Senator from Kansas. I just wanted to know the situation.

Mr. MCCONNELL. Mr. President, I request the yeas and nays on the Dole amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There does not appear to be a sufficient second.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Senators

HELMS and MCCAIN be added as cosponsors to the Dole amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

AMENDMENT NOS. 2247, 2248, 2249, 2250, 2251, AND 2252, EN BLOC

Mr. MCCONNELL. Mr. President, if the Senator from North Carolina will withhold briefly, under the unanimous-consent agreement under which we are operating, it is permissible for me to send to the desk some amendments on behalf of one of our colleagues to protect his opportunity to offer them.

So I have a series of amendments that Senator BROWN intends to offer. I send them to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment will be temporarily set aside for the purpose of receiving the amendments offered by the Senator from Kentucky.

Does the Senator seek unanimous consent to offer these en bloc?

Mr. MCCONNELL. Yes. I ask unanimous consent that they be offered en bloc and then laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. BROWN, proposes amendments numbered 2247 through 2252, en bloc.

AMENDMENT NO. 2247

(Purpose: To reduce appropriations under the account "International Organizations and Programs" which are available for the United Nations Development Program in order to bring the bill into compliance with the Budget Enforcement Act)

Mr. MCCONNELL offered amendment No. 2247 for Mr. BROWN.

The amendment is as follows:

On page 7, lines 7 and 8, strike "$382,000,000: *Provided*," and insert "$273,000,000: *Provided*, That not to exceed $12,000,000 of the funds appropriated under this heading shall be made available for the United Nations Development Program: *Provided further*,".

AMENDMENT NO. 2248 TO THE COMMITTEE AMENDMENT ON PAGE 2

(Purpose: To make Poland, Hungary, and the Czech Republic eligible for allied defense cooperation with NATO countries, and for other purposes)

Mr. MCCONNELL offered amendment No. 2248 for Mr. BROWN, for himself, Mr. SIMON, Mr. ROTH, Ms. MIKULSKI, Mr. DOLE, and Mr. DOMENICI.

The amendment is as follows:

At the end of the Committee amendment which ends on line 21 of page 2 of the bill, add the following new section:

SEC. . ADDITIONAL COUNTRIES ELIGIBLE FOR PARTICIPATION IN ALLIED DEFENSE COOPERATION.

(a) SHORT TITLE.—This section may be cited as the "NATO Participation Act".

(b) TRANSFER OF EXCESS DEFENSE ARTICLES.—The President may transfer excess defense articles under section 516 of the Foreign Assistance Act of 1961 or under the Arms Export Control Act to Poland, Hungary, and the Czech Republic.

(c) LEASES AND LOANS OF MAJOR DEFENSE EQUIPMENT AND OTHER DEFENSE ARTICLES.—Section 63(a)(2) of the Arms Export Control Act (22 U.S.C. 2796(b) is amended by striking "or New Zealand" and inserting "New Zealand, Poland, Hungary, or the Czech Republic".

(d) LOAN MATERIALS, SUPPLIES, AND EQUIPMENT FOR RESEARCH AND DEVELOPMENT PURPOSES.—Section 65(d) of the Arms Export Control Act (22 U.S.C. 2796d(d)) is amended—

(1) by striking "or" after "United States)" and inserting a comma; and

(2) by inserting before the period at the end the following: ", Poland, Hungary, or the Czech Republic".

(e) COOPERATIVE MILITARY AIRLIFT AGREEMENTS.—Section 2350c(e)(1)(B) of title 10, United States Code, is amended by striking "and the Republic of Korea" and inserting "the Republic of Korea, Poland, Hungary, and the Czech Republic".

(f) PROCUREMENT OF COMMUNICATIONS SUPPORT AND RELATED SUPPLIES AND SERVICES.—Section 2350f(d)(1)(B) is amended by striking "or the Republic of Korea" and inserting "the Republic of Korea, Poland, Hungary, or the Czech Republic".

(g) STANDARDIZATION OF EQUIPMENT WITH NORTH ATLANTIC TREATY ORGANIZATION MEMBERS.—Section 2457 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) It is the sense of the Congress that in the interest of maintaining stability and promoting democracy in Eastern Europe, Poland, Hungary, and the Czech Republic, those countries should, on and after the date of enactment of this subsection, be included in all activities under this section related to the increased standardization and enhanced interoperability of equipment and weapons systems, through coordinated training and procurement activities, as well as other means, undertaken by the North Atlantic Treaty Organization members and other allied countries.".

(h) INCLUSION OF OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The President should recommend legislation to the Congress making eligible under the provisions of law amended by this section such other European countries emerging from communist domination as the President may determine if such countries—

(1) have made significant progress toward establishing democratic institutions, free market economies, civilian control of their armed forces, and the rule of law; and

(2) are likely, within 5 years of such determination, to be in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area.

AMENDMENT NO. 2249

(Purpose: To freeze contributions to the International Development Association [IDA])

Mr. MCCONNELL offered amendment No. 2249 for Mr. BROWN.

The amendment is as follows:

On page 3, line 12 strike "$1,207,750,000" and insert "$1,024,332,000."

AMENDMENT NO. 2250

(Purpose: To maintain funding for the Global Environment Facility at FY 1994 level and to make the funds available pending certain reform measures)

Mr. MCCONNELL offered amendment No. 2250 for Mr. BROWN.

The amendment is as follows:

On page 3, line 6, strike $98,800,000, insert $30,000,000 and on page 105, line 16, insert the following:

(c) Funds appropriated by Title I of the Act under the heading "Limitation on Callable Capital Subscriptions" shall be available for payment to the IBRD for the Global Environmental Facility (GEF) as follows:

(1) 50 percent of the funds appropriated under such heading shall be made available prior to April 1, 1995 only if the Secretary of the Treasury makes the determination and so reports to the Committee on Appropriations as described in paragraph (3) of this subsection.

(2) 50 percent of the funds appropriated under such heading shall be made available on or after April 1, 1995 only if the Secretary of the Treasury makes the determination and so reports to the Committee on Appropriations as described in paragraph (3) of this subsection.

(3) The determinations referred to in paragraphs (1) and (2) are determinations that the GEF has:

(i) established clear procedures ensuring public availability of documentary information on all GEF projects and associated projects of the GEF implementing agencies.

(ii) established clear procedures ensuring that affected peoples in recipient countries are consulted on identification, preparation and implementation of GEF projects.

AMENDMENT NO. 2251

(Purpose: To establish an independent commission to study the salaries and benefits of the World Bank and the International Monetary Fund)

Mr. MCCONNELL offered amendment No. 2251 for Mr. BROWN.

The amendment is as follows:

At the end of the bill insert the following:

SEC. 576. LIMITATION ON USE OF FUNDS FOR CONTRIBUTION TO THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY.

(a) LIMITATION.—Not more than $20,000,000 of the amount appropriated under Title I under the heading "CONTRIBUTION TO THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY OF THE INTERNATIONAL MONETARY FUND" shall be available until the Bipartisan Commission described in subsection (b) submits the report described in subsection (c).

(b) BIPARTISAN COMMISSION.—There shall be established a bipartisan Commission whose members shall be appointed within two months of enactment of this Act to conduct a complete review of the salaries and benefits of World Bank and International Monetary Fund employees and their families. The Commission shall be composed of:

(i) 1 member appointed by the President;

(ii) 1 member appointed by the Speaker of the House of Representatives;

(iii) 1 member appointed by the Minority Leader of the House of Representatives;

(iv) 1 member appointed by the Majority Leader of the Senate;

(v) 1 member appointed by the Minority Leader of the Senate;

(vi) STAFF MEMBERS.—The U.S. Agency for International Development shall provide

funding for the hire of outside experts and shall provide expert AID staff members to the Commission as necessary.

(c) COVERED REPORT.—Within six months after appointment, the Commission shall submit a report to the President, the Speaker of the House of Representatives and the Chairman of the Senate Foreign Relations Committee which includes the following:

(i) a review of the existing salary paid and benefits received by the employees of the World Bank and the IMF;

(ii) a review of all benefits paid by the World Bank and the IMF to family members and dependents of the employees of the World Bank and the IMF;

(iii) a review of all salary and benefits paid to employees and dependents of the World Bank and the IMF as compared to all salary and benefits paid to comparable positions for employees of U.S. banks.

AMENDMENT NO. 2252 TO THE COMMITTEE AMENDMENT ON PAGE 2

(Purpose: To make Poland, Hungary, and the Czech Republic eligible for allied defense cooperation with NATO countries, and for other purposes)

Mr. MCCONNELL offered amendment No. 2252 for Mr. BROWN, for himself, Mr. SIMON, Mr. ROTH, Ms. MIKULSKI, and Mr. DOLE.

The amendment is as follows:

On Page 2, line 21, after the period insert the following:

SEC. . ADDITIONAL COUNTRIES ELIGIBLE FOR PARTICIPATION IN ALLIED DEFENSE COOPERATION.

(a) SHORT TITLE.—This section may be cited as the "NATO Participation Act".

(b) TRANSFER OF EXCESS DEFENSE ARTICLES.—The President may transfer excess defense articles under the Foreign Assistance Act of 1961 or the Arms Export Control Act to Poland, Hungary, and the Czech Republic.

(c) LEASES AND LOANS OF MAJOR DEFENSE EQUIPMENT AND OTHER DEFENSE ARTICLES.—Section 63(a)(2) of the Arms Export Control Act (22 U.S.C. 2796b) is amended by striking "or New Zealand" and inserting "New Zealand, Poland, Hungary, or the Czech Republic".

(d) LOAN MATERIALS, SUPPLIES, AND EQUIPMENT FOR RESEARCH AND DEVELOPMENT PURPOSES.—Section 65(d) of the Arms Export Control Act (22 U.S.C. 2796d(d)) is amended—

(1) by striking "or" after "United States)" and inserting a comma; and

(2) by inserting before the period at the end the following: ", Poland, Hungary, or the Czech Republic".

(e) COOPERATIVE MILITARY AIRLIFT AGREEMENTS.—Section 2350c(e)(1)(B) of title 10, United States Code, is amended by striking "and the Republic of Korea" and inserting "the Republic of Korea, Poland, Hungary, and the Czech Republic".

(f) PROCUREMENT OF COMMUNICATIONS SUPPORT AND RELATED SUPPLIES AND SERVICES. Section 2350f(d)(1)(B) is amended by striking "or the Republic of Korea" and inserting "the Republic of Korea, Poland, Hungary, or the Czech Republic".

(g) STANDARDIZATION OF EQUIPMENT WITH NORTH ATLANTIC TREATY ORGANIZATION MEMBERS.—Section 2457 of title 10, United States code, is amended by adding at the end of the following new subsection:

"(g) It is the sense of the Congress that in the interest of maintaining stability and promoting democracy in Eastern Europe, Poland, Hungary, and the Czech Republic, those countries should, on and after the date of enactment of this subsection, be included in all activities under this section related to the increased standardization and enhanced interoperability of equipment and weapons systems, through coordinated training and procurement activities, as well as other means, undertaken by the North Atlantic Treaty Organization members and other allied countries.".

(h) INCLUSION OF OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The President should recommend legislation to the Congress making eligible under the provisions of law amended by this section such other European countries emerging from communist domination as the President may determine if such countries—

(1) have made significant progress toward establishing democratic institutions, free market economies, civilian control of their armed forces, and the rule of law; and

(2) are likely, within 5 years of such determination, to be in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area.

The PRESIDING OFFICER. Without objection, the amendments are received en bloc and the amendments have been set aside.

The business before the Senate is the amendment offered by the Senator from Kansas, Senator DOLE, and the Senator from Virginia, Senator WARNER.

Mr. LEAHY. Mr. President, parliamentary inquiry. The amendments sent up en bloc, am I correct in understanding these are sent to protect the rights of the Senator as related to the 6 p.m. Thursday deadline under the unanimous-consent agreement?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. MCCONNELL. That was the intention of the Senator from Kentucky.

Mr. LEAHY. Also, further parliamentary inquiry, each one would have to be brought up and voted on individually in whatever fashion we do, either by voice vote, division, yeas and nays, or however they are voted on; is that correct?

The PRESIDING OFFICER. The Senator from Vermont is correct.

The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, I ask unanimous consent that it be in order for me to send to the desk nine amendments and that these nine amendments be deemed to have been offered en bloc; that each of the amendments be deemed to be a second-degree amendment to a committee amendment and that the nine amendments then be set aside; and further, that it be in order for me to call up each of them upon my having been duly recognized by the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, and I will not object, am I correct, Mr. President, this also fulfills the unanimous-consent agreement of prior to 6 p.m. Thursday?

Mr. HELMS. That is correct.

Mr. LEAHY. And further reserving the right to object, and I shall not, am I also correct in understanding, even though these are nine amendments, the Senator from North Carolina would have to be recognized to speak in the normal course? In other words, it does not mean that he would automatically hold the floor through nine amendments but would have to be recognized in the normal course.

The PRESIDING OFFICER. Would the Senator from North Carolina restate the unanimous consent request?

Mr. HELMS. Certainly. But, first, Mr. President, if I may, let me respond to the question raised—and it is a good question—by the distinguished Senator from Vermont.

We are in a situation where we have a good faith gentleman's/lady's agreement that nobody will be cut off. I am trying to conform to the specific language of the unanimous-consent agreement that precipitated the problem. I think this unanimous-consent request, when I restate it, will take care of that. I may not call up these amendments, and I pledge to the managers of the bill that when I decide not to call up an amendment, if I decide not to call up an amendment, I will let you know.

Mr. LEAHY. If the Senator will further yield, as the Senator knows, as having experience as a manager, I always try to protect Senators.

I just wanted to make sure if, as we are going along on this, we are enabled to do other business in between these amendments. I do not want in any way to cut off the ability of the Senator from North Carolina or any other Senator to be able to bring up amendments and have them disposed of by the Senate if those amendments are filed prior to 6 o'clock tomorrow evening.

Mr. HELMS. I think I agree to that. I am not sure exactly what the Senator said.

Mr. LEAHY. I think the Senator will agree. I think we are both saying the same thing.

Mr. HELMS. I think so.

Mr. LEAHY. We just want to make sure we have room for everyone else to come in here also.

The PRESIDING OFFICER. The Chair would make the following parliamentary observation, that the amendments as offered would have to be considered or, if withdrawn, withdrawn under a unanimous-consent agreement.

Mr. LEAHY. I understand.

Mr. HELMS. Correct. Correct.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request as stated by the Senator from North Carolina? The Chair would ask again——

Mr. HELMS. Reserving the right to object, does the Presiding Officer want me to state it again?

The PRESIDING OFFICER. Yes. Will the Senator from North Carolina restate his unanimous-consent request.

Mr. HELMS. Once more, slowly and with not much of a Southern accent, if I can manage that, I ask unanimous consent that it be in order for me to send to the desk nine amendments and that these nine amendments be deemed to have been offered en bloc; that each of the amendments be deemed to be a second-degree amendment to a committee amendment, and that the nine amendments then be set aside and, further, that it be in order for me to call up each of these amendments upon my having been recognized by the Chair to do so.

Mr. LEAHY. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Carolina.

AMENDMENT NO. 2253 TO FIRST COMMITTEE AMENDMENT ON PAGE 2, LINE 12

(Purpose: To prohibit U.S. government intervention with respect to abortion laws or policies in foreign countries)

The PRESIDING OFFICER. Will the Senator from North Carolina send his amendments to the desk.

Mr. HELMS. What was the question?

The PRESIDING OFFICER. Will the Senator from North Carolina send his amendments to the desk.

Mr. HELMS. I am going to send the first one up, and then I will send the other eight during the time of consideration of this amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows.

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2253 to the first committee amendment on page 2, line 12:

The amendment is as follows:

At the end of the first committee amendment, add the following:

SEC. . NON-INTERVENTION CONCERNING ABORTION.

(a) CONGRESSIONAL DECLARATION.—The Congress recognizes that countries adhere to a diversity of cultural, religious, and legal traditions regarding the deliberate abortion of the human fetus.

(b) PROHIBITED ACTIVITIES.—Therefore, none of the funds appropriated by this Act may be used by any agency of the United States or any officer of the Executive Branch to—

(1) engage in any activity or effort to alter the laws or policies in effect in any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited;

(2) support any resolution or participate in any activity of a multilateral organization which seeks to alter such laws or policies in foreign countries; or

(3) permit any multilateral organization or private organization to use U.S. Government funds for such purposes.

(c) RULE OF STATUTORY CONSTRUCTION.—Nothing in this section may be construed to prevent—

(1) U.S. funds from being used to pay for treatment of injuries or illness caused by legal or illegal abortions; or

(2) agencies or offices of the United States from engaging in activities in opposition to policies of coercive abortion or involuntary sterilization.

Mr. HELMS. Mr. President, I had the amendment read in its entirety——

The PRESIDING OFFICER. If the Senator would withhold, the pending business before the Senate is the amendments offered by the Senator from Kansas and the Senator from Virginia. Does the Senator from North Carolina wish to ask unanimous consent——

Mr. HELMS. I thought those amendments had already been laid aside. Please forgive me.

The PRESIDING OFFICER. The amendments be laid aside?

Mr. HELMS. I ask unanimous consent that these amendments be laid aside temporarily so that these amendments can be considered.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. As I was saying, I asked the distinguished clerk to read the entire amendment because I think if ever an amendment spoke for itself, this one does. But let me elaborate just a little bit in terms of explaining the intent.

The pending amendment forbids the use of the taxpayers' money by any U.S. Government employee or by employees of multilateral organizations or by any private organization to lobby or otherwise engage in efforts to change any law regarding abortion in any foreign country.

Now, this means that no U.S. funds under this act can be used in an effort to make laws in foreign countries either more permissive or more restrictive. In other words, the United States should not be permitted to meddle in the affairs of other countries one way or another when it comes to abortions.

This amendment does not—let me repeat, does not—propose to prevent the use of funds to pay for treatment of injuries or illnesses caused by abortions, nor does it prohibit the United States from engaging in activities in opposition to policies of coercive abortion or involuntary sterilization. And, of course, I am in fact talking about Red China. The amendment merely prohibits the U.S. Government from using taxpayers' money to lobby foreign countries to change their laws on this subject, the subject of abortion.

Now, I am prompted to offer this amendment because I believe that most Americans are not aware of the hundreds of millions of dollars currently being spent by the United States on the so-called population control programs. Oftentimes, these programs do little more than browbeat countries into adopting policies which can be described only as social engineering.

So the pending amendment addresses an area where the administration has gone too far in its worldwide effort to pressure foreign countries into changing their abortion laws.

Now, bear in mind, Mr. President, that the United States gives away more foreign aid than most other countries combined. The U.S. Government pays the largest portion of any country to the United Nations. The United States is a key member of the U.N. Security Council. U.S. representatives cast deciding votes at multilateral banks and other international institutions. Not surprisingly, small countries fear reprisals from and by the United States if they do not comply with the proabortion policies of the present administration in Washington, DC.

My point is that foreign aid should never be used as either a carrot or a stick by this or any other administration, by any multilateral bank or by any international organization in an effort to promote worldwide legalization of abortion on demand. The President's policy of supporting abortion on demand is unpopular enough here at home without taking it overseas.

Mr. President, the American people will not, in my judgment, support a policy of pressuring foreign countries into changing their abortion laws one way or the other. It is wrong on its face. But this administration will hear the loudest complaints from the citizens of foreign countries. Take Egypt for example. Egypt is critically important to the United States. Ensuring that Egypt remains stable is vitally important to the United States, and we have spent billions of dollars to that end. Now, Egypt, as all Senators know, I assume, is a Moslem country with a large Coptic Christian population and it has laws protecting unborn children.

Egypt must also maintain relations with Islamic fundamentalists within its borders, and pressuring Egypt under those circumstances to liberalize its abortion laws is certainly a recipe for internal strife.

Such an effort by this administration, Mr. President, is just plain bad foreign policy. It makes no sense to undermine important U.S. interests around the world in order to satisfy the radical proabortion lobby in the United States. Mr. President, there is evidence that the administration is, indeed, engaged in a policy of pressuring countries to change their abortion laws. On March 16 of this year, Secretary Christopher sent a cable to all U.S. Embassies directing U.S. diplomats to pressure those countries to liberalize their abortion laws. And here is what the cable sent by Warren Christopher said:

The Department [meaning the U.S. State Department] wishes to reiterate that the Clinton administration views international population policy as a major issue in U.S. foreign policy. Accordingly, the advancement of U.S. population policy interests will require senior level diplomatic intervention to complement the more technical interventions which are conducted between assistance agencies.

So that there will be absolutely no doubt about the administration's policy, Secretary Christopher's cable went on to say—this cable was sent on March 16 of this year. The cable says:

A comprehensive strategy begins with the need to ensure universal access to family planning and related reproductive health services, including access to safe abortions. The United States believes that access to safe, legal and voluntary abortion is a fundamental right of all women. The United States delegation to the U.S. Population Conference in Cairo will also be working for stronger language on the importance of access to abortion services.

That was Warren Christopher in the cable that he sent on March 16.

If those statements by Secretary of State Christopher do not make it sufficiently clear that a proabortion agenda is being pursued, then consider that on April 1, 1993—that happened to be April Fool's Day—White House spokesman Dee Dee Myers said that the administration regards abortion as "part of the overall approach to population control." I do not think it can be made more clear than that, Mr. President.

In any case, the administration plans to use the upcoming Conference on Population and Development in Cairo to pressure foreign countries into liberalizing their abortion laws. It is outrageous for the U.S. Government to demand that foreign governments at the conference change their abortion laws.

Citizens of Argentina, Egypt, Namibia have never elected Bill Clinton to anything. And U.S. officials have no right to demand that these countries change their laws regarding the most sensitive of issues in their own countries.

After Mr. Clinton visited with the Pope on June 2, he stated:

The United States does not, and will not, support abortion as a means of birth control or population control.

Those are the direct words from Mr. Clinton. Mr. Clinton said that in one breath and yet at the same time his State Department is right now pursuing a policy to promote abortion as part of—here I am quoting directly from the cable—"the advancement of U.S. population policy interests."

Unfortunately, to date there is little or nor correlation between the President's rhetoric and the direction his administration has taken on international abortion advocacy. I hate to say this, but the President tries to be all things to all people. But it is evident that he has aligned himself with the most radical elements of the proabortion movement in the United States of America, which brings to mind Mother Teresa's eloquent speech condemning abortion at this year's National Prayer Breakfast, with President Clinton sitting no more than 6 feet to her right. That marvelous lady, let me quote her—

The greatest destroyer of peace today is abortion. Any country that accepts abortion is not teaching the people to love but to use violence to get what they want.

That is the end of the quote of Mother Teresa.

In the face of enthusiastic policy supporting Mother Teresa's brave statement, President Clinton sat on his hands. He did not applaud.

I also find it difficult to forget that one of the first things Mr. Clinton did after his inauguration was to obliterate many of the protections that the pro-life movement had won for unborn children during the past several years. It is demonstrable that the President is in the corner of the proabortion crowd. Just the same, Mr. President, it makes no sense for the U.S. Government using the American taxpayers' money to entangle itself in such a sensitive issue in foreign countries where the governments and the people do not agree with Bill Clinton.

If a sovereign nation has a greater respect for unborn babies than Mr. Clinton does, and if a foreign nation chooses to enact laws to protect the rights of the unborn, is it not morally indefensible, is it not atrocious foreign policy, is it not obviously arrogant for this administration to pressure these countries to change their laws to suit Mr. Clinton and his administration on this sensitive subject?

Mr. President, I have a bunch of letters here that I want to have printed in the RECORD.

I ask unanimous consent that letters opposing President Clinton's advocacy of worldwide abortion on demand be printed in the RECORD.

The first is signed by the following Protestant leaders: Chuck Colson, chairman of the Prison Fellowship; James Dobson, of the Focus on the Family; Joseph Stowell, of Moody Bible Institute; Charles Swindoll, president of Insight for Living; Edwin Young, of the Southern Baptist Convention; Paul Cedar, of the Evangelical Free Church of America; Billy Melvin, executive director of the National Association of Evangelicals; Dr. James Kennedy, pastor of the Coral Ridge Presbyterian Church; Dr. Brandt Gustavson, president of the National Religious Broadcasters; Dr. William Bright, of the Campus Crusade for Christ; and Rev. John Perkins, president of the John Perkins Foundation for Reconciliation and Development.

I ask unanimous consent that this letter be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 22, 1994.

President WILLIAM J. CLINTON,
The White House, 1600 Pennsylvania Avenue, NW., Washington, DC.

DEAR MR. PRESIDENT: We are sending you this open letter to express our deep concern over the State Department's cable last month to all diplomatic and consular posts asking them to pressure foreign governments to support greater abortion availability in the United Nations population-stabilization plan. The cable described access to legal abortion as a "fundamental right of all women."

Mr. President, this is an unprecedented misuse of our diplomatic corps for political ends. We can think of no other time in history when American embassies were used to promote a domestic social agenda—particularly one that has bitterly divided our own people for more than two decades. The majority of Americans do not accept abortion as a "fundamental right."

Moreover, the countries that the State Department is pressuring to embrace liberalized abortion policies, often in violation of their own laws, deeply resent what they rightly regard as cultural imperialism. The citizens of Africa, Asia, Central America, and South America are offended that the United States would urge them to refashion their own social policies to "look like America."

Apart from the moral issue, which we consider paramount, how can we urge greater access to abortion in countries that often do not have antibiotics, ultrasound machines, or even sterile operating rooms? At a press conference on Capitol Hill, Dr. Margaret Ogola from Kenya pointed out that in remote regions of her country, clinics often lack life-saving medications, such as penicillin. If a surgical procedure like abortion were introduced into these regions, the result would be massive infections and death. Surely the United Nation's plan to slow population growth does not include mothers dying on unsafe operating tables.

Mr. President, we remind you of the words of Mother Teresa that you yourself heard a few weeks ago at the National Prayer Breakfast. This tiny woman has spent her life working among the world's poor and understands their needs far better than any of us do. She said: "the greatest destroyer of peace today is abortion. * * * Any country that accepts abortion is not teaching the people to love but to use any violence to get what they want."

In a recent interview with Peggy Wehmeyer of ABC News, you stated, "I think there are too many abortions in America. I think there should be more adoptions in America." During your campaign you proclaimed that abortions should be "safe, legal and *rare*." How can these statements be reconciled with your cable to our embassies, directing them to promote abortions world wide? How do they square with your allocation of federal dollars to agencies that perform or support abortions internationally? A chasm exists between your public pronouncements and the quieter actions of your Administration. We plead with you, Mr. President, not to make the United States an exporter of violence and death. Instead, we urge you to maintain our heritage as a beacon of morality and hope to the poor and suffering of the world.

We respectfully ask that you direct the State Department to rescind last month's directive pressuring foreign governments to accept abortion on demand. America is at its best when we respect other nations' desire to nurture life, not destroy life.

Respectfully,

Charles W. Colson, Dr. Charles Swindoll, Dr. Billy A. Melvin, Dr. William R. Bright, Dr. James C. Dobson, Dr. Edwin Young, Dr. D. James Kennedy, Rev. John M. Perkins, Dr. Joseph M. Stowell, Dr. Paul A. Cedar, Dr. Brandt Gustavson.

Mr. HELMS. Mr. President, the second letter to which I referred a moment ago is signed by the following leaders of the Catholic Church: the Archbishop of Washington, Cardinal Hickey; the Archbishop of Chicago,

Cardinal Berenardin; the Archbishop of Boston, Cardinal Law; the Archbishop of New York, Cardinal O'Connor; the Archbishop of Philadelphia, Cardinal Bevilacqua; the Archbishop of Los Angeles, Cardinal Mahony; the Archbishop of Baltimore and the president of the National Conference of Catholic Bishops, the Most Reverend William Keeler.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ARCHDIOCESE OF WASHINGTON,
Washington, DC, May 28, 1994.

THE PRESIDENT OF THE UNITED STATES,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As plans proceed for the International Conference on Population and Development at Cairo in September, we write with great urgency as leaders of the Catholic Church in our nation concerning your Administration's promotion of abortion, contraception, sterilization and the redefinition of the family.

We speak, Mr. President, not only for Catholics throughout the United States but also for many other people of good will. We are looking for leadership that truly respects the dignity of innocent human life and recognizes the fundamental importance of the family for the development of nations and individual persons. We are calling for policies which promote sound economic and social development throughout the world precisely because they recognize the indispensable role of the family and respect the innate dignity and rights of each person.

There is a broad consensus in our country that abortion on demand is morally repugnant. With millions of people representing all faiths, we recognize that abortion destroys not only the child in the womb but also creates untold conflict in the lives of millions of women. Abortion cheapens human life, tears apart families and contributes to the violence that plagues our culture. However cleverly the current Cairo document may be crafted, in fact it continues to advocate abortion as a way of controlling population growth and promiscuity.

Mr. President, we urge you to shun the advice of those who would apply pressure on developing nations to mandate abortion as a condition for receiving aid from other countries. Do not allow our country to participate in trampling the rights and religious values of people around the world. Please recognize that abortion is not a legitimate way to control population and that it does not improve women's lives. There is no such thing as a "safe" abortion; whether legal or not, abortion is lethal for the child and destructive of the mother and society.

The Draft Final Document of the Cairo Conference, with the support of the United States, also advocates the world-wide distribution of artificial contraceptives and the increased practice of sterilization which will have the effect of promoting a self-centered and casual view of human sexuality, an approach so destructive of family life and the moral fiber of society. When the United States supports such measures for unmarried adolescents as well as adults, what ideals are we holding up to young people? How are we helping them develop authentic values and that mastery of self which is the calling of every human being? As we prepare for tomorrow, we dare not take the course of least resistance today!

So also, when our government advocates population control through abortion, contraception and sterilization, it is not a force for freedom but an agent of coercion. Sadly it appears that the United States is urging developing countries to adopt population control programs that will interfere with the rights of couples to make responsible and moral family planning decisions. Couples in poor countries will find themselves at the mercy of government officials and programs that have no real regard for the dignity of the human person. They will face the prospect of government agencies providing abortion and contraceptives for their adolescent children with utterly no regard for parental authority and responsibility. At the same time, such policies could be insensitive to the existing realities of strong family life in many of those countries. As you have stated, Mr. President, "families raise children, not governments."

Even if such coercive population control measures would lead to economic growth and development, they would still be morally objectionable. In fact, however, there is no proof that enforced population control will bring about economic development in the Third World. What will help poor nations develop their full potential is not pressure from the First World for population control but rather a greater commitment on the part of wealthy nations to foster sustainable economic growth in Third World countries. That is the kind of constructive leadership we should expect from our country!

The Cairo Conference represents a golden opportunity for nations to come together to improve the lives of people throughout the world. That improvement will come only if the participants have the vision and moral courage to recognize that the future of humanity lies in strong, stable families. Time and time again, the bishops of the United States have shared with you our alarm over Administration policies and statements that place non-marital sexual relationships on a par with marriage and family. Archbishop Keeler, President of the National Conference of Catholic Bishops, has pointed out the dangers in such positions in a personal letter to Secretary of State Christopher. Sadly, however, the United States' participation in the preparatory meeting of the Cairo Conference mirrored Administration policies and positions by advocating "a plurality of family forms."

The United States is doing the world no favor by exporting a false ideology which claims that any type of union, permanent or temporary, is as good as the traditional family. There is mounting evidence that being part of an intact, traditional family or an extended family helps children grow into emotionally well-adjusted and productive citizens. While it is true that many single parents do an admirable job of raising their children, nonetheless we owe it to the children of our country and of the world to encourage stable, intact two-parent families. Mr. President, we wholeheartedly agree with what you said in your 1994 State of the Union address: "we cannot renew our country when, within a decade, more than half of the children will be born into families where there is no marriage." We hasten to add that we will never develop and renew our world by encouraging substitutes for marriage and family life.

Mr. President, the United States' delegation to the Cairo Conference will have enormous influence; it will represent the power, prestige and influence of the United States among the family of nations. We ask you, as the leader of our country, to steer our nation away from promoting an agenda so destructive of our own society and of the nations of the world. We thank you for your attention to the pressing concerns we have shared with you in loyalty to our country and to the many citizens whom we serve.

I sign, Mr. President, for myself and for the following Cardinal-Archbishops of the United States listed below, who, together with the President of the United States Conference of Catholic Bishops, have explicitly authorized this letter.

Sincerely,

James Cardinal Hickey, Archbishop of Washington; Joseph Cardinal Bernardin, Archbishop of Chicago; Bernard Cardinal Law, Archbishop of Boston; John Cardinal O'Connor, Archbishop of New York; Anthony Cardinal Bevilacqua, Archbishop of Philadelphia; Roger Cardinal Mahony, Archbishop of Los Angeles; Most Rev. William H. Keeler, Archbishop of Baltimore, President, National Conference of Catholic Bishops.

Mr. HELMS. Mr. President, in very brief summary, this amendment now pending prohibits using foreign aid money provided by the U.S. taxpayers to lobby foreign countries to change their abortion laws. It does not—I repeat, does not—prohibit funds from being used to pay for treatment of injuries or illnesses caused by abortion. And it does not prohibit funds from being used to oppose policies of coercive abortion or sterilization, such as is going on in Communist China.

Mr. President, before I yield the floor, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. When my unanimous-consent request was agreed to, I mentioned nine amendments. One is pending, and there are eight others, one of which I will not be able to offer until tomorrow.

AMENDMENTS NOS. 2254, 2255, 2256, 2257, 2258, 2259 AND 2260, EN BLOC

Mr. HELMS. Mr. President, I send seven amendments to the desk, en bloc, and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes amendments numbered 2254, 2255, 2256, 2257, 2258, 2259, and 2260, en bloc.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2254

(Purpose: To prohibit the availability of funds for the U.N. Development Program)

On page 8, line 22, before the period insert the following: "*Provided further*, That none of the funds appropriated under this heading

shall be made available for the United Nations Development Program".

AMENDMENT NO. 2255

(Purpose: To prohibit the use of funds for the foreign governments engaged in espionage against the United States)

At the appropriate place in the bill, insert the following:

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS ENGAGED IN ESPIONAGE AGAINST THE UNITED STATES

SEC. . (a) None of the funds appropriated by this Act (other than for humanitarian assistance or assistance for refugees) may be provided to any foreign government which the President determines is engaged in intelligence activities within the United States harmful to the national security of the United States.

AMENDMENT NO. 2256

(Purpose: To prohibit funds for Russia while that country is not in compliance with the Biological Weapons Convention, and for other purposes)

At the appropriate place in the bill, insert the following:

SEC. . RUSSIAN CHEMICAL AND BIOLOGICAL WEAPONS PRODUCTION.

None of the funds appropriated or otherwise made available under this Act may be made available in any fiscal year for Russia (other than humanitarian assistance) unless the President has certified to the Congress not more than 6 months in advance of the obligation or expenditure of such funds that Russia is in compliance with the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, and has disclosed the existence of its binary chemical weapons program (as required under the memorandum of understanding regarding a bilateral verification experiment and data exchange related to prohibition of chemical weapons) and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.

AMENDMENT NO. 2257

(Purpose: To limit the provision of assistance to Nicaragua)

At the appropriate place in the first Committee amendment add the following: On page 93, between lines 13 and 14, insert the following:

(1) a full and independent investigation conducted relating to issues raised by the discovery, after the May 23 explosion in Managua, of weapons caches, false passports, identity papers and other documents, suggesting the existence of a terrorist/kidnapping ring;

On page 93, line 22, strike out "(2)" and insert in lieu thereof "(3)".

On page 93, line 24, strike out "(3)" and insert in lieu thereof "(4)".

On page 94, line 4, strike out "(4)" and insert in lieu thereof "(5)".

On page 94, line 8, strike out "(5)" and insert in lieu thereof "(6)".

On page 94, line 11, strike out "(6)" and insert in lieu thereof "(7)".

AMENDMENT NO. 2258

(Purpose: To limit the authority to reduce U.S. government debt to certain countries)

On page 98, line 24 strike out "and" and all that follows through page 99, line 3, and insert in lieu thereof the following:

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) has not nationalized, expropriated, or otherwise seized ownership or control of property owned by any United States person and has not either—

(A) returned the property;

(B) provided adequate and effective compensation for such property in convertible foreign exchange or other mutually accepted compensation equivalent to the full value thereof, as required by international law;

(C) offered a domestic procedure providing prompt, adequate and effective compensation in accordance with international law; or

(D) submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment disputes or other mutually agreeable binding international arbitration procedure.

AMENDMENT NO. 2259

(Purpose: To provide conditions for renewing nondiscriminatory (most-favored-nation) treatment for the People's Republic of China)

At the end of the amendment, insert the following:

On page 112, between lines 9 and 10, insert:

TITLE VI—MOST-FAVORED-NATION TREATMENT FOR PEOPLE'S REPUBLIC OF CHINA

SEC. 601. SHORT TITLE.

This title may be cited as the "United States-China Act of 1994".

SEC. 602. FINDINGS AND POLICY.

(a) FINDINGS.—The Congress makes the following findings:

(1) In Executive Order 12850, dated May 28, 1993, the President established conditions for renewing most-favored-nation treatment for the People's Republic of China in 1994.

(2) The Executive order requires that in recommending the extension of most-favored-nation trade status to the People's Republic of China for the 12-month period beginning July 3, 1994, the Secretary of State shall not recommend extension unless the Secretary determines that such extension substantially promotes the freedom of emigration objectives contained in section 402 of the Trade Act of 1974 (19 U.S.C. 2432) and that China is complying with the 1992 bilateral agreement between the United States and China concerning export to the United States of products made with prison labor.

(3) The Executive order further requires that in making the recommendation, the Secretary of State shall determine if China has made overall significant progress with respect to—

(A) taking steps to begin adhering to the Universal Declaration of Human Rights;

(B) releasing and providing an acceptable accounting for Chinese citizens imprisoned or detained for the nonviolent expression of their political and religious beliefs, including such expressions of beliefs in connection with the Democracy Wall and Tiananmen Square movements;

(C) ensuring humane treatment of prisoners, and allowing access to prisons by international humanitarian and human rights organizations;

(D protecting Tibet's distinctive religious and cultural heritage; and

(E) permitting international radio and television broadcasts into China.

(4) The Executive order requires the executive branch to resolutely pursue all legislative and executive actions to ensure that China abides by its commitments to follow fair, nondiscriminatory trade practices in dealing with United States businesses and adheres to the Nuclear Nonproliferation Treaty, the Missile Technology Control Regime guidelines and parameters, and other nonproliferation commitments.

(5) The Government of the People's Republic of China, a member of the United Nations Security Council obligated to respect and uphold the United Nations charter and Universal Declaration of Human Rights, has over the past year made less than significant progress on human rights. The People's Republic of China has released only a few prominent political prisoners and continues to violate internationally recognized standards of human rights by arbitrary arrests and detention of persons for the nonviolent expression of their political and religious beliefs.

(6) The Government of the People's Republic of China has not allowed humanitarian and human rights organizations access to prisons.

(7) The Government of the People's Republic of China has refused to meet with the Dalai Lama, or his representative, to discuss the protection of Tibet's distinctive religious and cultural heritage.

(8) It continues to be the policy and practice of the Government of the People's Republic of China to control all trade unions and suppress and harass members of the independent labor union movement.

(9) The Government of the People's Republic of China continues to restrict the activities of accredited journalists and Voice of America broadcasts.

(10) The People's Republic of China's defense industrial trading companies and the People's Liberation Army engage in lucrative trade relations with the United States and operate lucrative commercial businesses within the United States. Trade with and investments in the defense industrial trading companies and the People's Liberation Army are contrary to the national security interests of the United States.

(11) The President has conducted an intensive high-level dialogue with the Government of the People's Republic of China, including meeting with the President of China, in an effort to encourage that government to make significant progress toward meeting the standards contained in the Executive order for continuation of most-favored-nation treatment.

(12) The Government of the People's Republic of China has not made overall significant progress with respect to the standards contained in the President's Executive Order 12850, dated May 28, 1993.

(b) POLICY.—It is the policy of the Congress that, since the President has recommended the continuation of the waiver under section 402(d) of the Trade Act of 1974 for the People's Republic of China for the 12-month period beginning July 3, 1994, such waiver shall not provide for extension of nondiscriminatory trade treatment to goods that are produced, manufactured, or exported by the People's Liberation Army or Chinese defense industrial trading companies or to nonqualified goods that are produced, manufactured, or exported by state-owned enterprises of the People's Republic of China.

SEC. 603. LIMITATIONS ON EXTENSION OF NONDISCRIMINATORY TREATMENT.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) if nondiscriminatory treatment is not granted to the People's Republic of China by

reason of the enactment into law of a disapproval resolution described in subsection (b)(1), nondiscriminatory treatment shall—

(A) continue to apply to any good that is produced or manufactured by a person that is not a state-owned enterprise of the People's Republic of China, but

(B) not apply to any good that is produced, manufactured, or exported by a state-owned enterprise of the People's Republic of China,

(2) if nondiscriminatory treatment is granted to the People's Republic of China for the 12-month period beginning on July 3, 1994, such nondiscriminatory treatment shall not apply to—

(A) any good that is produced, manufactured, or exported by the People's Liberation Army or a Chinese defense industrial trading company, or

(B) any nonqualified good that is produced, manufactured, or exported by a state-owned enterprise of the People's Republic of China, and

(3) if nondiscriminatory treatment is or is not granted to the People's Republic of China, the Secretary of the Treasury should consult with leaders of American businesses having significant trade with or investment in the People's Republic of China, to encourage them to adopt a voluntary code of conduct that—

(A) follows internationally recognized human rights principles,

(B) ensures that the employment of Chinese citizens is not discriminatory in terms of sex, ethnic origin, or political belief,

(C) ensures that no convict, forced, or indentured labor is knowingly used,

(D) recognizes the rights of workers to freely organize and bargain collectively, and

(E) discourages mandatory political indoctrination on business premises.

(b) DISAPPROVAL RESOLUTION.—

(1) IN GENERAL.—For purposes of this section, the term "resolution" means only a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on _____ with respect to the People's Republic of China because the Congress does not agree that the People's Republic of China has met the standards described in the President's Executive Order 12850, dated May 28, 1993.", with the blank space being filled with the appropriate date.

(2) APPLICABLE RULES.—The provisions of sections 153 (other than paragraphs (3) and (4) of subsection (b)) and 402(d)(2) (as modified by this subsection) of the Trade Act of 1974 shall apply to a resolution described in paragraph (1).

(c) DETERMINATION OF STATE-OWNED ENTERPRISES AND CHINESE DEFENSE INDUSTRIAL TRADING COMPANIES.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall determine which persons are state-owned enterprises of the People's Republic of China and which persons are Chinese defense industrial trading companies for purposes of this title. The Secretary shall publish a list of such persons in the Federal Register.

(2) PUBLIC HEARING.—

(A) GENERAL RULE.—Before making the determination and publishing the list required by paragraph (1), the Secretary of the Treasury shall hold a public hearing for the purpose of receiving oral and written testimony regarding the persons to be included on the list.

(B) ADDITIONS AND DELETIONS.—The Secretary of the Treasury may add or delete persons from the list based on information available to the Secretary or upon receipt of a request containing sufficient information to take such action.

(3) DEFINITIONS AND SPECIAL RULES.—For purposes of making the determination required by paragraph (1), the following definitions apply:

(A) CHINESE DEFENSE INDUSTRIAL TRADING COMPANY.—The term "Chinese defense industrial trading company"—

(i) means a person that is—

(I) engaged in manufacturing, producing, or exporting, and

(II) affiliated with or owned, controlled, or subsidized by the People's Liberation Army, and

(ii) includes any person identified in the United States Defense Intelligence Agency publication numbered VP-1920-271-90, dated September 1990.

(B) PEOPLE'S LIBERATION ARMY.—The term "People's Liberation Army" means any branch or division of the land, naval, or air military service or the police of the Government of the People's Republic of China.

(C) STATE-OWNED ENTERPRISE OF THE PEOPLE'S REPUBLIC OF CHINA.—(i) The term "state-owned enterprise of the People's Republic of China" means a person who is affiliated with or wholly owned, controlled, or subsidized by the Government of the People's Republic of China and whose means of production, products, and revenues are owned or controlled by a central or provincial government authority. A person shall be considered to be state-owned if—

(I) the person's assets are primarily owned by a central or provincial government authority;

(II) a substantial proportion of the person's profits are required to be submitted to a central or provincial government authority;

(III) the person's production, purchases of inputs, and sales of output, in whole or in part, are subject to state, sectoral, or regional plans; or

(IV) a license issued by a government authority classifies the person as state-owned.

(ii) Any person that—

(I) is a qualified foreign joint venture or is licensed by a governmental authority as a collective, cooperative, or private enterprise; or

(II) is wholly owned by a foreign person,

shall not be considered to be state-owned.

(D) QUALIFIED FOREIGN JOINT VENTURE.—The term "qualified foreign joint venture" means any person—

(i) which is registered and licensed in the agency or department of the Government of the People's Republic of China concerned with foreign economic relations and trade as an equity, cooperative, contractual joint venture, or joint stock company with foreign investment;

(ii) in which the foreign investor partner and a person of the People's republic of China share profits and losses and jointly manage the venture;

(iii) in which the foreign investor partner holds or controls at least 25 percent of the investment and the foreign investor partner is not substantially owned or controlled by a state-owned enterprise of the People's Republic of China;

(iv) in which the foreign investor partner is not a person of a country the government of which the Secretary of State has determined under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) to have repeatedly provided support for acts of international terrorism; and

(v) which does not use state-owned enterprises of the People's Republic of China to export its goods or services.

(E) PERSON.—The term "person" means a natural person, corporation, partnership, enterprise, instrumentality, agency, or other entity.

(F) FOREIGN INVESTOR PARTNER.—The term "foreign investor partner" means—

(i) a natural person who is not a citizen of the People's Republic of China; and

(ii) a corporation, partnership, instrumentality, enterprise, agency, or other entity that is organized under the laws of a country other than the People's Republic of China and 50 percent or more of the outstanding capital stock or beneficial interest of such entity is owned (directly or indirectly) by natural persons who are not citizens of the People's Republic of China.

(G) NONQUALIFIED GOOD.—The term "nonqualified good" means a good to which chapter 39, 44, 48, 61, 62, 64, 70, 73, 84, 93, or 94 of the Harmonized Tariff Schedule of the United States applies.

(H) CONVICT, FORCED, OR INDENTURED LABOR.—The term "convict, forced, or indentured labor" has the meaning given such term by section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

(I) VIOLATIONS OF INTERNATIONALLY RECOGNIZED STANDARDS OF HUMAN RIGHTS.—The term "violations of internationally recognized standards of human rights" includes but is not limited to, torture, cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by abduction and clandestine detention of those persons, secret judicial proceedings, and other flagrant denial of the right to life, liberty, or the security of any person.

(J) MISSILE TECHNOLOGY CONTROL REGIME.—The term "Missile Technology Control Regime" means the agreement, as amended, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on an annex of missile equipment and technology.

(d) SEMIANNUAL REPORTS.—The Secretary of the Treasury shall, not later than 6 months after the date of the enactment of this Act, and the end of each 6-month period occurring thereafter, report to the Congress on the efforts of the executive branch to carry out subsection (c). The Secretary may include in the report a request for additional authority, if necessary, to carry out subsection (c). In addition, the report shall include information regarding the efforts of the executive branch to carry out subsection (a)(3).

SEC. 604. PRESIDENTIAL WAIVER.

The President may waive the application of any condition or prohibition imposed on any person pursuant to this title, if the President determines and reports to the Congress that the continued imposition of the condition or prohibition would have a serious adverse effect on the vital national security interests of the United States.

SEC. 605. REPORT BY THE PRESIDENT.

If the President recommends in 1995 that the waiver referred to in section 602 be continued for the People's Republic of China, the President shall state in the document required to be submitted to the Congress by section 402(d) of the Trade Act of 1974, the extent to which the Government of the People's Republic of China has made progress

during the period covered by the document, with respect to—

(1) adhering to the provisions of the Universal Declaration of Human Rights,

(2) ceasing the exportation to the United States of products made with convict, force, or indentured labor,

(3) ceasing unfair and discriminatory trade practices which restrict and unreasonably burden American business, and

(4) adhering to the guidelines and parameters of the Missile Technology Control Regime, the controls adopted by the Nuclear Suppliers Group, and the controls adopted by the Australia Group.

SEC. 606. SANCTIONS BY OTHER COUNTRIES.

If the President decides not to seek a continuation of a waiver in 1995 for the People's Republic of China under section 402(d) of the Trade Act of 1974, the President shall, during the 30-day period beginning on the date that the President would have recommended to the Congress that such a waiver be continued, undertake efforts to ensure that members of the General Agreement on Tariffs and Trade take a similar action with respect to the People's Republic of China.

AMENDMENT NO. 2260

At the appropriate place in the bill, insert the following new section:

SEC. . AMBASSADORIAL RANK FOR HEAD OF UNITED STATES DELEGATION TO THE CSCE.

The United States delegation to the Conference on Security and Cooperation in Europe shall be headed by an individual who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall have the rank of ambassador.

The PRESIDING OFFICER. Does the Senator from North Carolina seek further unanimous consent to submit his ninth amendment at a later time, prior to 6 p.m. tomorrow?

Mr. HELMS. Let me have a few moments. First, I will suggest the absence——

Mr. LEAHY. If the Senator will withhold that, I will chat about the pending amendment. I think I know what the Senator wants to do, and I am going to be in agreement with him on it. I just say this about the amendment now pending, on which the yeas and nays have been ordered, it is one of those amendments that looks harmless enough on the surface. But it is so broadly written that it can be construed to prevent the United States from even participating in the world population conference in Cairo in September.

I understand that some probably feel that should be our policy. I am not one who feels that way. It is a conference that we ought to be able to participate in. If they had the Cairo conference and they came out with a resolution that called for a reduction in unsafe abortions worldwide, technically, under this amendment, the United States could not even join that, join in an effort to cut the number of unsafe abortions. Obviously, we do not want to do that. We do want, however, to be able to at least talk about the question of population.

I look at the foreign aid legislation before us, and in many parts of the world it is but a drop in the bucket because of unchecked population. From the time I was born, the world population has almost tripled. Can you imagine that? For thousands and thousands of years the world population was at a certain level. It went from 2.5 to 5.7 billion. In the middle of the next century, it can double again. We know what this means—the kind of pressures brought on areas with tragic ecosystems, and pressure on the environment, and the ability to raise food in this world.

We have 19 million refugees in the world today. That is almost 35 times the population of my own State of Vermont. What is going to happen is, there is going to be twice the mouths to feed in the world by the middle of the next century. Can you imagine the number of refugees we will have?

Today, there are half a million women who die each year of pregnancy-related causes, and many are in the developing world. Up to one-third are from septic or incomplete abortions. We have to find better ways of population control than abortion. Certainly, concerning the world population, for instance, the conference in Cairo can look at such issues.

But this amendment would stop the administration from calling for a reduction in unsafe abortions, or if the administration wanted to sign on to agreements to cut the number of unsafe abortions, it could not do it under this amendment. In fact, it could not contribute to any multilateral organization that wanted to do that. We would be precluded from reproductive health services for women.

The President has said time and again that the administration does not support abortion as a method of family planning. We have carefully crafted our legislation in the past to keep from doing that. He has said that abortion should be safe and legal and rare. If it does exist, it should be safe. One of the central goals in Cairo is to promote alternatives to abortion.

No one is telling any other country to change their laws. We could not do that. Sometimes what goes on is, in resolutions we ask other countries to change their laws. This is not one of them. We cannot do that and will not do that. Every country has to decide ultimately what its laws should be. The Cairo document says just that. But what you do by a resolution like this is you so tie the United States hands that we cannot even go out and explore alternatives to abortion. We cannot explore ways of getting rid of the unsafe abortions.

The PRESIDING OFFICER. The Chair has a parliamentary inquiry of the Senator from North Carolina as to whether he wishes to modify his unanimous-consent request to incorporate the fact that the amendment that would be offered to complete his en bloc nine amendments at a later date, prior to 6 p.m. on Thursday?

Mr. HELMS. I thought we had said that. If I am mistaken——

The PRESIDING OFFICER. The inquiry was made earlier, but there was not a response as to whether that was the Senator's intention.

Mr. HELMS. Sure.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mr. HELMS. Mr. President, it gives me no pleasure to disagree with my friend from Vermont, but I simply do not understand what amendment he was talking about in his comments just now. He was not talking about the pending amendment, because the amendment speaks for itself, and I will be glad to read it to him. But I hope that will not be necessary.

If he is really defending the use of the American taxpayers' money to force or to pressure any foreign country, such as Egypt and many other countries that have strict religious rules against the deliberate destruction of innocent human life—which is what abortion is—then we part company.

The amendment does not say anything about the nicety of population control, even though population control has taken on sort of a gruesome meaning in later years. But I will say to the Senator from Vermont that this amendment says what it says. It says that the taxpayers' money shall not be used in any attempt to force a foreign country to change its position or its laws relative to abortion one way or another, to liberalize it, or to restrict it.

That is all the amendment says.

I think it is indefensible for the administration to try to do otherwise with the taxpayers' money.

I understand that the Clinton administration is all gung-ho for abortion. Kill them all. Get rid of them. That is the way to control population.

That is not what Mother Tereas said, and that is not what a number of the rest of us have said far less eloquently than the way Mother Teresa said it.

I suggest the absence of a quorum.

Mr. LEAHY. Mr. President, will the Senator withhold that?

The PRESIDING OFFICER. Does the Senator withhold.

Mr. LEAHY. Yes.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, it seems we are talking a little at cross-purposes here.

But, one, I will not accept the fact that the Clinton administration has said let us go kill them all. I do not know of any administration—I have served here with five administrations, Republican and Democratic—that has taken that attitude. I certainly do not attribute it to the Clinton administration any more than I would the Bush,

Reagan, Carter, or Ford administrations, the administrations that I have served with.

What I am concerned about is this would stop any participation in the world population conference in Cairo this September. That may or may not have been the intention of the proponent of the amendment. It is certainly the position of some who support it.

It says that the United States cannot support any resolution or participation in any activity of a multilateral organization that seeks to alter such laws or policies in foreign countries.

In other words, should a multilateral organization try to get countries to stop abortion as a means of birth control, we could not join in that. The U.S. policy is and always has been that abortion is not a method of birth control. We have also tried to make it clear that where abortion is legal that abortion be safe.

That is the policy of the United States. It is not a policy of killing them all, by any means, nor do I accept that. Nor would I support any legislation that would carry out such a policy.

This legislation basically says do not go to Cairo. Whether it was intended to do that or not, that is the sum effect of it.

And because of that, I will oppose it. I have made it very clear that my support of population money or family planning money in this bill is limited in this fashion, that no money, no U.S. tax dollars should ever go to a country that uses abortion as a method of family planning, or uses or pays for enforced abortion.

I suspect that is a known fact. That is the position of the Clinton administration. To suggest otherwise is wrong. To suggest that this bill or the position of the administration is different than that states by the President in his meeting in the Vatican City with the pontiff is also erroneous.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I still have difficulty understanding the meaning of the opposition to this amendment of the distinguished Senator from Vermont. Maybe the acoustics are not good in the Senate, but I understood him to say that this means that we cannot go to the population conference in Cairo. I want him to point out anywhere in the amendment that that is even suggested or implied.

All it says and what it says is that you cannot use American taxpayers' money to compel or to try to compel another country, such as Egypt, to change its laws regarding abortion.

There are all sorts of religions in the world and many religions forbid the deliberate destruction on innocent human life. They used to be forbidden in this country until things changed for the worse in 1972 when the U.S. Supreme Court wrote the Roe versus Wade decision.

But I do not understand what the Senator is saying in opposition to my amendment.

I hope the RECORD will reflect that I am asking him to be more specific and point out precisely in the amendment where it implies what he said it provides.

It simply does not do that. It was not intended to do it, and I regret that the amendment is not being characterized properly.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I have high regard and respect for my friend from North Carolina. I mean that. Senator HELMS is a splendid friend. He has been very helpful to me in my activities as assistant leader of our party, and I have come to know him in a way I did not when I came to this body, and I have the highest regard for him.

But I must in this instance resist and speak in strong opposition to the amendment of my friend from North Carolina because I have been involved in these population issues for many years, as was my father. I think the Senator from North Carolina will recall that my father, Senator Milward Simpson, was deeply involved in population issues. For it is here that everything we do in the world, literally—and I am not being overly dramatic—will depend upon how many footprints will fit upon the face of the Earth.

Our mission to Cairo is not about abortion—and I knew that that would eventually come—but it is not about abortion. We are talking about education. We are talking about women's rights. We are talking about men's responsibilities. We are talking about things that have to do with fertility rates and families. And we are not talking about abortion.

But as I interpret the amendment in reading it, it would prohibit the United States from participating in or endorsing the world consensus document that is to be negotiated and ratified at the upcoming population conference in Cairo. It would prohibit the United States from endorsing any international agreements that acknowledge the high rates of maternal mortality associated with unsafe abortions throughout the developing world and the call for reducing reliance on unsafe abortions. In essence, then, this amendment goes to the heart of the International Conference on Population and Development [ICPD] that will be held in Cairo in September.

Delegates from 110 nations from around the world will gather in Cairo to assess the current state of global population. How many human beings can the Earth sustain? We are presented with figures that show that the population will double from 5½ to 11 billion in the year 2047, if I recall, and then go on up exponentially into the year 2150 when the population reaches a figure of 694 billion. That is beyond my comprehension.

I am not a mathematician, but I do know the issues that concern the Senator from North Carolina and concern me, issues like immigration, illegal immigration, population, how much food is to be presented to the world for its billions. What are we going to do when in a society of food gatherers and wanderers—when they take the last bird, kill the last animal, drink the last water, and move on in nomadic ways with a sack of grain over their shoulders looking for a place to live.

Now that is pretty dramatic, but these are the things that we are going to discuss in Cairo to determine its impact on human development, and to try to produce an action plan for the next decade and the next century.

And the United States will play a very significant role at that Conference because of the current administration's complete reversal of the position then stated at the 1984 Mexico City Conference. Over the past decade, the United States, in a sense, has had its hands tied in terms of acting on the challenge of increasing population growth, and its impact on the environment, impact on the global economy, and the international standards of living. And I must say I am heartened to see the administration's renewed interest in these serious issues and the leadership role it has embraced in the past year.

But when the United States travels to Cairo this September—and I plan to be a part of our delegation—I strongly believe the United States should be leading the international community in a unified effort to meet the severest of challenges involved with these issues of global population, economic opportunity, and sustainable development.

That is why this amendment troubles me so. Because every time we bring up the issue of global population here in the Congress, we suddenly find ourselves embroiled in a debate over abortion—that is a political reality—and it is most unfortunate. This is not about abortion.

I respectfully say that my colleague from North Carolina or his able staff is misinterpreting the goals of the draft document that is currently being edited for discussion in Cairo. This draft document addresses a comprehensive array of population and development issues, including, as I say, environmental concerns, sustained economic growth, child survival and health, international migration, and maternal health, which includes a call for the elimination of all deaths associated with unsafe abortion.

Hear that. It calls for the elimination of all deaths associated with unsafe abortion.

This draft document is not calling for the legalization of abortion. Let us be absolutely clear. It does not call for the legalization of abortion where it is currently illegal. No one is forced. There is no coercion. The document recognizes abortion as a women's health issue because of the current crisis of maternal mortality resulting from unsafe abortion.

Accordingly, governments are urged—and this is from the document—"to deal openly and forthrightly with unsafe abortion as a major public health concern." And then the document also calls for the prevention of abortion and urges countries to avoid promoting abortion as a method of family planning. Very important.

This amendment, unfortunately, mischaracterizes or misunderstands the U.S. position on abortion and the U.S. role at the Cairo Conference.

The administration, led by our former colleague, now Vice-President AL GORE—and he and I had some spirited debates in opposition to each other here—and Under Secretary of State Tim Wirth—who was another former colleague—we have had serious discussions with on this issue—has articulated its view on abortion numerous times and they say abortion should be safe, legal, and rare. I uphold that. I think that is an important distinction. And the U.S. will continue to articulate that very clear position at the Cairo Conference.

In addition, the U.S. Agency for International Development, AID, has a longstanding policy based on the efforts and good work of Senator HELMS with an amendment to the Foreign Assistance Act of 1961 stating that AID "does not advocate the use of abortion as a method of family planning." That is in the law. U.S. AID also recognizes that unsafe abortion is a major cause of mortality and morbidity for women, leading to as many as 200,000 deaths of women every year in the developing world.

The U.S. position on population that will be expressed at the Cairo Conference is not just about abortion policy. It is about ensuring access to high quality family planning and related reproductive health services, increasing child survival programs, addressing migration and environmental degradation—I am being repetitive—strengthening families, and addressing the needs of adolescents.

The document that comes out of the Cairo Conference never calls for legalization of abortion where it is currently illegal. It is so important to hear that, and I share that with my friend from North Carolina. Our negotiations taking place at the International Conference will result in an international consensus document on all of the very serious issues of which I have spoken today. In addition, this document will—or hopefully will—be endorsed by 110 member nations of the United Nations.

I think it would surely be a shame, a real shame, if the United States could not resume its position of moral leadership and global efforts to reach responsible and sustainable population levels, and to back that leadership up with specific commitments to population planning activities—without seeing the debate slide into the numbing and vexing issue of abortion, where never a vote is changed on this floor, ever—never is a vote changed on the issue of abortion on this floor.

This amendment would prohibit the United States from playing a key role, its important key role, in this international Conference, and we simply cannot stand by and let this occur.

I urge my colleagues to assist me in that outcome.

I thank the Chair.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I say to the Senator from Wyoming, for whom I have the greatest affection, and he knows that; he has indicated the same with respect to me and I return it twofold to him because he has been so helpful to me through the years, even when we disagree.

I do not know how the Cairo Conference got into this debate. This amendment says nothing about the Cairo Conference.

I would ask the Senator, first of all, if he has read the amendment? And would he be good enough, if he has read it, to point out to me where even inferentially the Cairo Conference is mentioned?

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, there is no mention of the Cairo Conference. But the Cairo Conference will take place in September. I have read the amendment and it "recognizes that countries adhere to a diversity of cultural, religious, and legal traditions regarding the deliberate abortion of the human fetus. Therefore, none of the funds appropriated by this act may be used by any agency of the United States"—that is any agency of the United States; I assume that means anything we do in the international field, including all our activities with regard to AID, with regard to our mission to Cairo—will not "engage in any activity or effort to alter the laws or policies in effect in any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited; support any resolution or participate in any activity of a multilateral organization"—that is where we are going is the U.N. operation—"which seeks to alter such laws or policies in foreign countries; or permit any multilateral organization"—that is the United Nations—"or private organization to use U.S. Government funds."

Mr. HELMS. If the Senator will permit me, would you explain——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from North Carolina?

Mr. HELMS. I would like to know how it ties into the Cairo Conference.

Mr. SIMPSON. I do yield to my friend from North Carolina.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I see that the leader of the delegation to the Cairo Conference—or one of the participants, it is a bipartisan delegation—is here on the floor. He has been much more active in this than I.

My simple reason for participating in the beginning, and I do think this does impact—I am going to yield to my friend from Massachusetts——

Mr. HELMS. You cannot yield because I have the floor, is that correct?

Mr. SIMPSON. Then I shall not yield. It is not my opportunity to yield.

Did the Senator have a further question?

Mr. HELMS. Yes, I do. How does the Senator, even if he infers something that is not even implied in the amendment—how does he assume it is going to prevent our participation in the Cairo Conference? When is the Cairo Conference?

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. The Cairo Conference is in September. The dates I believe are——

Mr. HELMS. The third of September?

Mr. SIMPSON. Yes, this September.

Mr. HELMS. This bill is effective for the spending of the taxpayers' money beginning when?

Mr. SIMPSON. Mr. President, the purpose of the amendment of Senator HELMS is to prohibit U.S. Government intervention with respect to abortion laws or policies in foreign countries. This was the Mexico City proposal, which I thought was very restrictive and strained. Now this administration has chosen to proceed in a different way. I think it is an important way.

All I am doing is looking at the amendment. I am using the term "Cairo Conference" because that is the next issue that will come before this country in any significant way with regard to dealing with population and family planning and the future of children and discussion of women and legalization of abortion and not allowing unsafe, illegal abortions. And all of this has to do with that. I do not see how it could be said that this would escape what we are going to be talking about in Cairo.

Mr. HELMS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. HELMS. I thank the Chair. I would like to differ with my friend from Wyoming, because he is my friend and we work together so often. But let me say to him that part (b)(3) of the amendment is not like President Reagan's Mexico City policy—not at all.

Mexico City said that an organization could not use any funds, no matter where those funds came from, to promote abortion. Therefore, if an organization spent 1 dime raised from private sources to promote abortion, it was ineligible to receive funds provided by the U.S. Government.

This amendment pending says nothing of the sort. Part (b)(3) of the pending amendment says that funds provided by the U.S. Government cannot be used to lobby countries to change their abortion laws based on their religious principles, based on whatever. We have no right to do that.

The amendment allows organizations to do whatever they please, even if they receive U.S. funds. The language of the amendment simply prohibits an organization from using U.S. funds to lobby for abortion.

Mr. KERRY. Will the Senator yield for a question?

Mr. HELMS. No, no, not yet. Not yet. I say that respectfully.

Furthermore, the funds involved in this amendment do not begin to flow until October 1 of this year. And the Cairo Conference is in early September.

This amendment does not mention the Cairo Conference. So I think that some of the opponents of the amendment—and I say this as respectfully as I can—sort of kneejerk whenever one of us who believes in prolife gets up, that they have to oppose an amendment without even reading it or knowing what it says, let alone what it implies. I regret that.

We cannot discuss dispassionately this business of the deliberate destruction of millions of innocent human lives. That goes beyond any friendship, certainly that I have.

Certainly it bothers me. It worries me. And I cannot countenance the suggestion that trying to do the minimum, that is to prevent the U.S. Government from using taxpayer funds to lobby other countries one way or another on the abortion question—that is all the amendment does, that is all the amendment says. It does not mention the Cairo Conference.

Mr. KERRY. Will the Senator yield for a question?

Mr. HELMS. I am going to yield the floor. You can have at me.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I would like to comment on the observations of my friend from North Carolina. First of all, I do not observe any knees jerking over here. I do not think this is a reaction that is not in keeping with what this amendment does. I am not sure the Senator from North Carolina intends this amendment to do what it does. I would say to him respectfully, it may well be that the language in his amendment is more overreaching than perhaps the Senator intends.

Let me say respectfully to the Senator from North Carolina, Mr. President, that, for example, in paragraph (b)(2) of this amendment there is a policy statement, not an expenditure. And a policy statement takes effect upon enactment. So, in effect, upon enactment this amendment seeks to say that the United States is not able "to support any resolution or participate in any activity of a multilateral organization which seeks to alter such laws or policies in foreign countries."

I know my friend from North Carolina does not intend to say that the United States could not go to the Cairo conference and argue against unsafe abortions. I know my friend from North Carolina does not intend to say that the United States should not be taking efforts to prevent abortions. And there is nothing that better prevents abortions than offering women alternative choices which are part of the voluntary family planning practices of the United States.

The language that the Senator offers in his amendment would, in fact, prohibit us from doing that because it says you cannot do anything to alter a law, even if you were trying to alter the law to the positive effect of the Senator from North Carolina.

I would say when you measure this amendment against the larger objectives, not only in Cairo but in the U.S. policy, I do not think the U.S. Senate wants to do this.

Population is a significant issue for foreign policy and the United States has a responsibility to fully participate in these international debates. Rapid population growth is closely linked with poverty and environmental degradation. The population of the world has gone from 2 to 5.7 billion during the course of this century. Unfortunately, this trend is expected to continue. The great issue facing us when we go to International Conference on Population and Development [ICPD] in Cairo this September is whether or not we can develop strategies to level growth to 11 billion and not have it explode to 20 billion.

The President of the United States has said very clearly this conference is not about abortion, nor is U.S. policy about abortion. In fact, the President said very clearly that he is seeking to make sure that abortion is legal, safe, and rare.

I cannot imagine that the Senator does not want to permit the United States to engage in a policy that reaches out to people to empower them to be able to make abortion more rare; 173 of the 190 countries have some form of legalized abortion today; and many if not all of those 173 countries have abortions that are very unsafe. Some are so unsafe that the purpose of the U.S. delegation is to try to save lives.

But the Senator from North Carolina, in his amendment, just broadly, sweepingly says "you cannot support any resolution or participate in any activity of a multilateral organization (that is, the United Nations) which seeks to alter such laws or policies in foreign countries."

So, among other activities, we would be prohibited from going to Cairo to attempt to change the policy of a country, other than coercive abortion, which this amendment allows. But there are other issues in addition to coercive abortion; for example, unsafe abortion practices which must be dealt with. The World Health Organization estimates that over 150,000 deaths and injuries to women each year are a direct result of unsafe abortion practices. We would not be allowed to talk about this critical health issue under the amendment of the Senator from North Carolina.

This amendment would be a formal statutory codification of the abdication of U.S. responsibility. It would also be a prohibition on our involvement in this activity as a matter of policy, whether or not American funds were expended. Therefore, Mr. President, I respectfully suggest that I cannot imagine why the Members of the Senate would want to ratify this amendment.

Furthermore, the Senator from North Carolina should be fully aware that the United States' policy does not—in any way—attempt to dictate to other countries on the issue of abortion. In fact, President Clinton, in a speech he delivered just 2 weeks ago reiterated his administration's policy, and I quote:

> Contrary to some assertions, we do not support abortion as a method of family planning. We respect, however, the diversity of national laws, except we do oppose coercion wherever it exists. Our own policy in the United States is that this should be a matter of personal choice, not public dictation and, as I have said many times, abortion should be safe and legal and rare. In other countries where it does exist, we believe safety is an important issue * * * we also believe that providing women with the means to prevent unwanted pregnancy will do more than anything else to reduce abortion.

Under the amendment of the Senator from North Carolina, regretfully, we would not be able to pursue that policy of the President of the United States.

In addition to participation in the U.N.-sponsored ICPD, this amendment would prohibit U.S. endorsement of international agreements that promote safe abortion services and could prohibit research and educational programs focused on the incidence and

health consequences of unsafe abortion by any organization, such as the World Health Organization, U.N. Population Fund or the International Planned Parenthood Federation. So the scope of this amendment goes far beyond the upcoming Cairo Conference.

The effect of this amendment is that we would not be able to save lives. We would not be able to prevent unwanted pregnancies, and I think it would have a contrary effect to the very thing that the Senator from North Carolina is trying to set out to do.

It is imperative that the United States be a leader in the population debate. As President Clinton has stated, the overriding objective of his administration and of its participation at the ICPD meeting in Cairo is to reduce the incidence of unwanted pregnancies. We cannot achieve this goal with this amendment and I urge my colleagues to oppose it.

Several Senators addressed the floor.

The PRESIDING OFFICER (Mr. CAMPBELL). Does the Senator yield the floor?

Mr. KERRY. I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I will yield in a moment to my friend from Maryland.

I think that was a very excellent review of that, but I would ask my friend from North Carolina—because he does care, he is a caring person on these issues and he talks of millions of human babies—but now we are at a point in the world's history where there will be millions of human babies. If we do nothing, they will simply die. They will die of starvation; they will die of dehydration; they will die of disease because there is no way this Earth, this planet home of ours, can sustain the growth that is coming. That is who will die. They will die first. They are the babies and those who are not able to sustain themselves, and that is a very serious issue.

I respect my friend from North Carolina and know what he is trying to do. But even if it does not take effect until October, after October, we are all done if this amendment is adopted because there are no funds to use after October. And that, I am sure, was not the intent. If we are going to get a good start in September, we do not want to see the funds gone in October.

I thank the Chair.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I would like to ask the Senator from North Carolina a question, if I might, if he would consider adding language that would clearly state that this does not apply to funds for the Cairo Conference or, I would suggest, any other followup conferences?

I think the Senator from Massachusetts and I think the Senator from North Carolina himself would believe that it is important for us to participate for the very reasons that we do need to be there, to express a sensitivity to the cultures and the concerns of other nations. And yet, population is an important issue, sustainable development, children in the African countries, the Third World countries where population is such a major problem.

I personally feel that we need to be there at the table in a constructive way, recognizing that we cannot nor should we force other countries into positions with which they would have trouble. But we need to discuss them and be cognizant of those problems.

I myself have some real difficulties with language that was part of the International Women's Health Conference in Rio de Janeiro in January 1994 in preparation for the Cairo Conference. I have some problems with the language that was expressed in this.

But I also believe very strongly that we need to be part of the Cairo Conference. I wonder if the Senator would be willing to look at some language that would clarify our participation.

Mr. HELMS. Will the Senator yield?

Mrs. KASSEBAUM. I will be happy to yield.

Mr. HELMS. That is the easiest question I received all day. Of course, I have stood here and said a dozen times it does not apply to the Cairo Conference. To answer your question specifically, I say to the distinguished Senator from Kansas, certainly I will be glad to accept any language that she may wish to draft in that regard.

Now as far as going into the future, I think sufficient unto the day the evil thereof. I would rather leave that alone. I did not introduce the Cairo Conference. I did not even imply it in the amendment. But to answer, again, the Senator's question, certainly I will accept that language as a modification. It will require unanimous consent, of course.

Mrs. KASSEBAUM. Mr. President, I will work on some language and work with others who are concerned about this, because I think there would be a question, even though it might not have been intended. And maybe if we could just clarify that, that would be useful.

Mr. HELMS. I thank the Senator. I thank her very much.

Mrs. KASSEBAUM. I thank the Senator from North Carolina. I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland [Ms. MIKULSKI] is recognized.

Ms. MIKULSKI. Mr. President, I rise today in opposition to the Helms amendment. I believe there is much that the Senator from North Carolina and I would agree on. I believe we would agree that neither of us would support involuntary sterilizations; neither of us would support coercive abortions. However, I believe that the amendment, as is currently drafted, would prevent the United States of America from fully participating in the International Conference on Population and Development in Cairo. It would weaken the United States as we seek to provide world leadership on population issues and also women's health issues. And I believe it would result in untold suffering for hundreds of thousands of men, women, and children worldwide.

The Helms amendment does have the effect of preventing the United States from endorsing the world consensus document to be negotiated and ratified in Cairo in September by most of the countries at this world Conference.

The draft document addresses many issues. It addresses many development issues as well as population concerns. It does include a call for the elimination of all deaths associated with unsafe abortions.

Some opponents of abortion believe that calling for safe motherhood initiatives and a reduced level of unsafe abortions is the same as altering laws or policies involving abortion. This is a shortsighted and flawed evaluation of what the Cairo Conference is all about.

If the Helms amendment is adopted, it will prevent our Government from sending a delegation to the Cairo Conference or participating in diplomatic negotiations in advance of the Conference, or afterward.

Mr. President, this would be a terrible loss for women and children in developing countries who run the risk, first of all, of going to unsafe and unsanitary conditions in health facilities.

This is about public health initiatives.

For years, the United Nations, with our country's support, has sought to improve global health standards, including the reduction in hazardous abortion practices. The Cairo Conference is not an effort to promote a prochoice agenda. The Conference is an opportunity for the nations of the world to address and seek solutions to the wide range of common problems concerning population and development, issues such as children's survival; access to family planning; women's education; the needs of adolescents; the improvement of the status of women worldwide, because we know as the status of women improves and the legal status of women is ratified, the birth rate goes down; the encouragement also of responsible sexual behavior; the strengthening of families, as well as issues related to migration and environmental degradation.

The supporters of the Helms amendment would have us believe the Cairo Conference is to force countries which do not permit abortion because of their

cultural, religious, or legal traditions to change their laws.

This just is not so. The Cairo Conference document currently states that all population and development policies are to be formulated and implemented as the sovereign responsibility of each country. We will continue to acknowledge the sovereignty of nations.

Nothing about the Cairo Conference will alter the sovereignty of nations to make their own laws based on the economic, social, cultural and political conditions in their country.

Supporters of the Helms amendment claim that the United States will lobby to forward a prochoice agenda, and to pressure countries to liberalize their abortion laws.

The distinguished Senator from Massachusetts said what the President's position was before the National Academy of Sciences:

> We do not support abortion as a method of family planning. We respect the diversity of national laws, except we do oppose coercion wherever it exists.

That is what the President says, and I support what the President says.

I do, however, oppose the Helms amendment because it keeps the United States from exerting its leadership to alleviate human suffering.

Population in the world, in our lifetime, has nearly tripled. We are seeing with increasing frequency the link between overpopulation, poverty, and environmental degradation.

Five hundred thousand women die each year from pregnancy-related causes. Many suffer from acute or chronic complications related to pregnancy-related complications.

Why? Because abortions in many countries are illegal and are done in filthy, dirty circumstances. And if the Helms amendment is passed, the United States will be effectively barred from participating in seeking solutions to these pressing problems. It will also be prohibited from contributing constructively to the deliberations leading to up to Cairo, and after Cairo.

So I urge my colleagues to join me in defeating the Helms amendment, an amendment the purpose of which is to hinder the participation of the United States in this important conference. I hope that when we ultimately vote, the amendment will be defeated.

Mr. President, I yield the floor.

Mr. President, I also note the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk called the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I have discussed this with the distinguished Senator from North Carolina and the distinguished Senator from Kentucky.

I ask unanimous consent that we vote on or in relation to the pending Helms amendment at 11 a.m. tomorrow.

The PRESIDING OFFICER. Is there an objection? The Chair hears none, and it is so ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LEAHY. Mr. President, I now ask there be a period of morning business with Senators recognized for a period not to exceed 10 minutes each.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPEAKING FEES AND JOURNALISTS II

Mr. GRASSLEY. Mr. President, last month I spoke on this floor about the issue of some journalists taking speaking fees for up to $30,000 a talk. This practice has become more and more common among the media elites in Washington and New York—the power centers of our country.

Indeed, I am told by industry officials that some of the more noted journalists supplement their income by hundreds of thousands of dollars a year.

Let me say that again, Mr. President. Because this shows the dimensions and magnitude of the issue.

According to media officials, some of the more noted journalists supplement their incomes by hundreds of thousands of dollars a year. They do this by speaking to companies and trade associations. And that is above and beyond their normal salaries, which sometimes range from a few hundred thousand dollars, to a few million.

For speaking fees alone, Mr. President, that is more than the salary of the President of the United States.

And despite the exorbitant numbers, there is no disclosure. Set aside the issue of taking fees for a moment. There is no reasonable interpretation for why—with numbers this high—there is no disclosure.

The public has a right to know who in the world would pay $30,000 for a 20-minute speech. Or $20,000. Or even $15,000.

This state of affairs is what led at least one senior network executive—Senior Vice President Richard C. Wald of ABC News—to remark, "A few—of our colleagues, either because of frequency or the size of their fees, in fact have a second, high-income job."

The issue raises questions concerning the media's credibility. The questions are raised within the journalism community itself. If a reporter accepts money from an industry that he or she covers, how credible should we view their reporting?

The public has a right to know if this question applies to specific journalists who bring them the news. The problem is, because there is no disclosure, they cannot get an answer. They cannot find out which interests are paying how much money to which reporters.

The relevant question is, Who would pay such exorbitant sums? And to whom? And why?

Mr. President, I spoke about this issue on this floor on June 29. I discussed the issue as I see it, and as seen by many in the journalism profession.

I also discussed how this issue parallels that of honoraria taken by Members of Congress. The numbers we are talking about, here, have the potential to make criticism by the media of honoraria and PAC money to Members of Congress ring hollow.

But I raise the concern in precisely the same context as that of us politicians—that is, how the public perceives us as a profession.

And that public perception, as I said in my June 29 statement, is pretty low. Journalists and politicians are right down there together with used car salesmen, in the eyes of the American people.

The result is that people have become cynical toward their Government, as well as those in the news media who cover their Government.

Americans want those who bring them the news to be objective. They want them to be effective watchdogs of the governing process.

Suspicions about special interests, buying influence with, and access to, big media stars, diminish the media's effectiveness as watchdogs, and increase the public's cynicism.

The first step to effectively counter the suspicion is to disclose.

Now, I know the vast majority of journalists do not take speaking fees. But the ones who do reach the largest audiences. They are generally the TV elites and bureau chiefs of the print media. And so the issue is one of enormous import.

I have not suggested that journalists should not take fees. Far be it from me—a Member of the Congress of the United States—to suggest someone—anyone—should not take speaking fees.

But at a minimum, journalists should disclose their fees—just like Members of Congress had to when we received speaking fees. We had to disclose who provided how much and when. Journalists should disclose the same information, in my view, because the public is entitled to know.

Members of Congress have struggled with how to restore credibility with the public. One step was to severely curtail our speaking fees, or honoraria. It was a response in large part due to prodding journalists. They pointed out how the taking of honoraria by Members of Congress can be viewed by the public as engaging in possible conflicts of interest.

We in Congress resisted that proposition. We said that honoraria from outside interests does not influence how we act. So why should we not take it, we asked?

Eventually, Congress realized that it was not a matter of integrity. It was a matter of perception. And it was members of the press corps who usually drove home that point.

And so Congress finally reformed its rules governing speaking fees. Now, we cannot accept fees unless we give them to charity.

Should not the same media, which helped make Congress aware of its perception problems with the public, now make themselves aware of its own perception problems?

If so, it should start with the same minimum standard that Congress had—disclosure. Beyond that, each news organization should set its own policy for speaking fees. That should properly be the business of each company.

In my June 29 speech, I quoted extensively from the May issue of the American Journalism Review. The article notes that many of the journalists queried said their speaking fees are none of the public's business.

Mr. President, I beg to differ. It is the public's business. The public has a right to know who in the world thinks journalists are worth up to $30,000 for one 20-minute speech.

This is not to question the level of talent of these media elites. This is not in dispute. Most agree—they are charming, witty, and extremely talented.

Rather, the real issue is where the money is coming from. Who in the world would value 20 minutes of time to the tune of $20,000 and $30,000? And most important—why?

Is it because of their great ability as entertainers? Is it because of their great ability as purveyors of information?

This is what the public has a right to know.

During the past month, the media has covered extensively the tragic O.J. Simpson case. It has been reported that Mr. Simpson has hired the best defense lawyers money can buy.

These defense attorneys make upward of $600 an hour. That is top dollar for legal advice. Mr. Clinton's lawyers are even said to command about $450 an hour. This is the best legal help in America.

Yet, that is nothing compared to $30,000 for a 20-minute speech.

Much has been made, too, of the dizzying salaries these days of major league baseball players. Let us take a look.

The average salary for a major leaguer is $1.2 million a year. He plays 162 games per year.

At $1.2 million, that ballplayer makes $7,407.35 per game. And since the average baseball game is about 3 hours, that is $2,469.12 per hour.

That's a far cry from $30,000 per speech; or, $20,000 per speech; or even $15,000 or $10,000.

The average American worker makes just over $21,000 a year. Imagine what he or she thinks when a journalist gets that amount of money for just one speech.

Is it not reasonable to expect he or she would want to know who is providing that kind of money, and why? They may, or may not, conclude there is influencing or access-buying with those kinds of numbers. But at least that worker can make an informed decision.

Even a Member of Congress, roundly criticized by the media for taking speaking fees, was limited to just $2,000 a speech. And there were legal limits on the totals, unlike for journalists.

Remember, these speaking fees are in addition to the hundreds of thousands or millions of dollars these journalists already make for their salaries.

Since my statement of June 29, there have been some developments on this issue. Since my colleagues have been out of town, I thought I would bring them up to date.

In my June statement, Mr. President, you will remember that I mentioned ABC News has a new policy regarding speaking fees. That new policy bans fees for its on-camera reporters from trade associations and for-profit companies.

A couple days later—on July 1—an article appeared in the Washington Post that quoted from an ABC News memorandum that outlined its new policy. That memo was written by the aforementioned Mr. Wald. In it, according to the Post article, Mr. Wald says the following:

> It isn't just how big a fee is, it is also who gives it and what it might imply.

The memo goes on to say:

> Their special interest is obvious, and we have to guard against it.

And so on the basis of that judgment, ABC tells its on-camera reporters, again according to the memo, "You may not accept a fee from a trade association or from a for-profit business."

On July 7, another story appeared about speaking fees in a trade journal called Communications Daily. It added that:

> ABC News has put [an] end to its star correspondents' receiving speakers' fees from various groups, action that reportedly isn't sitting too well with correspondents.

The daily also reports, of the other major networks, the following:

> NBC News said it was revamping its conflict and ethics guidelines and would "directly address the issue of speaking fees." CBS News has conflict and ethic guidelines with no blanket rule prohibiting payment for speeches, while CNN permits fees on a case-by-case basis.

On July 9, the Washington Post advanced the ABC story. It appears that a group of media stars at ABC wrote a letter of protest to Mr. Wald about the new policy.

According to the Post, those signing the protest letter include David Brinkley, Sam Donaldson, Cokie Roberts, Jeff Greenfield, Brit Hume, and Ann Compton.

The Post story quotes one ABC insider as calling the practice of accepting fees "outrageous." For them to look like they are compromising themselves takes away the value of what they do as professionals."

While the article makes clear that the purpose of the letter is to protest the new policy, at least one of the signatories appears to be calling for tougher measures.

Mr. Greenfield was asked to comment on the letter. According to the Post, Mr. Greenfield said, "The whole idea of avoiding conflicts of interest is exactly right. When you start trying to figure out what is and what isn't, it gets really tricky. You can speak to non-profit groups—they don't have a legislative agenda," he asks? "They lobby all the time. We're just trying to get a policy that makes sense."

Mr. President, as journalists continue to come to grips with this issue, it seems to me that the necessary first step—one that would be seen as a positive step forward—is disclosure.

Last Sunday, the matter of speaking fees for journalists was discussed on CNN's "Reliable Sources," a roundtable forum dealing with media ethics and issues. After much discussion, the question of disclosure was brought up by former Wall Street Journal correspondent Ellen Hume.

She said: "I also have always been willing to disclose that, and I think there should be a mechanism for disclosing these speaking fees." Other reporters suggest the same remedy. It is an appropriate first step, in my view.

Mr. President, this is an issue involving big money from special interests. It is an issue of perception and credibility. And it is an issue of reluctance to

disclose relevant data to the public that is in their interest.

The motto of any responsible politician and journalist should be, "Mold doesn't grow where the sun shines in."

When we get away from that principle, we get in trouble. Disclosure would provide the requisite sunshine for getting back on the right course.

I yield the floor.

TRIBUTE TO CHARLES C. DERAMUS

Mr. HEFLIN. Mr. President, the Council for Rural Housing and Development has selected Charles C. DeRamus as the distinguished recipient of its Harry L. Tomlinson Award in recognition of his years of service to the Farmers Home Administration of the U.S. Department of Agriculture.

Charles DeRamus, who is currently the Rural Housing Chief for the State of Alabama, joined the Farmers Home Administration as an Assistant County Supervisor. Under his competent and energetic leadership, the Alabama State office reorganized and centralized its loan processing services, resulting in increased efficiency and participant satisfaction. Charles DeRamus oversaw the development of a system which other States now emulate as a model for reform.

High personal standards of decency, concern for others, and involvement in civic affairs distinguish Charles DeRamus as an exemplary State son. Following the 1992 election of President Clinton, he served as Acting State Director for the State of Alabama. Furthermore, his expertise as a hunter and renown as an author enhance the image of Alabama among all sportsmen.

I do not stand alone in thanking Mr. DeRamus for his lifetime of service to the State of Alabama. Those who benefit from his hard work on the problem of housing in our State thank him as well. I am proud to commend Charles DeRamus for this deserved recognition of his contribution to Alabama's future.

TRIBUTE TO WILLIAM H. LEWIS, SR.

Mr. HEFLIN. Mr. President, on June 12, Prof. William H. Lewis, Sr., passed away in Huntsville at the age of 91. Professor Lewis' lifelong commitment to education and the people of his community earned him the title "Legend of Burrell Slater School."

William Lewis was born in Greensboro, AL, on March 31, 1903. He attended Morehouse College in Atlanta, the University of Cincinnati, and Fisk University in Nashville. He began his teaching career at Snow Hill Institute in Alabama. In 1928, Professor Lewis moved to Florence, AL, where he served as principal of Burrell-Slater School for 37 years. He also held positions as teacher, band director, and football coach. His teaching career spanned 36 years at several different schools.

Professor Lewis was not only a legend in his own schools, he was a pioneer and role model for all black youth. He organized the first Boy Scout Troop for black boys and the first black youth band. He was also a founder of the North Alabama High School Athletic Conference, encompassing 26 schools across north Alabama.

During the course of his long and distinguished career, Professor Lewis received more than 155 plaques and citations for his participation in school, church, and civic affairs. He was one of the first blacks to join the Kiwanis Club. His generous contributions to such organizations as Meals on Wheels, Omega Psi Phi Fraternity, the New Florence Masonic Lodge, United Way, and the Tennessee Valley Community Church reveal his spirit of giving.

A long-time friend said after Lewis' death that he never hesitated to contribute wherever and whenever he was called upon, and this sentiment was echoed among several friends and colleagues. Indeed, his graciousness, personal discipline, and humble spirit had a great impact on his students, who will carry his legacy with them into the future. He will be remembered for years to come not only as the "Legend of Burrell-Slater," but also as an inspiration to all Alabamians.

TRIBUTE TO THE HONORABLE JAMES RUSSELL McELROY

Mr. HEFLIN. Mr. President, Judge James Russell McElroy of Birmingham, AL, died on June 28 after 50 years of service on the bench and a lifetime of commitment to civic affairs.

Judge McElroy was born October 1, 1901, in Sumpter County and grew up in the small communities of York and Cuba. After finishing high school, he worked at various railroad jobs until he enrolled in law school. He was admitted to the Alabama Bar in 1924 and was in private practice and a part-time assistant city attorney of Birmingham until appointed a circuit court judge by Gov. Bibb Graves in 1927, when he was only 25. He served continuously as an active circuit court judge until his retirement in 1977 at 75. His long tenure as a judge was recognized in the "Guiness Book of World Records" 1979 edition as "Most Durable Judge" for serving almost half a century on the bench.

Judge McElroy was the author of "The Law of Evidence in Alabama," now known as "McElroy's Alabama Evidence," which is among the most widely used legal treatises in the State. He was also coauthor of "Alabama Annotations to Restatement of Contracts" and associate editor of the Alabama Lawyer for 18 years.

Judge McElroy was a part-time faculty member of the Birmingham School of Law, the University of Alabama School of Law, and the Cumberland School of Law, and was a lecturer on medical jurisprudence at the Medical College of Alabama. Endowed professorships were established in his honor at Cumberland and the University of Alabama, where a scholarship was also established in his honor.

Judge McElroy was a past member and served on the board of directors of several organizations, including the Y.M.C.A., the Junior Chamber of Commerce, the Birmingham Area Educational Television Association, and the Jefferson County Sportsmen Association. He was chairman of the Jefferson County council of United Service Organization [USO] and a charter member, coorganizer, and past president of the Alabama Circuit Judges Association. He received the University of Alabama Law School Dean's Notable Service Award and the Birmingham Bar Association's Law and Justice Award in 1972. He was a member of Kappa Alpha, Phi Alpha Delta, Omicron Delta Kappa, Farrah Order of Jurisprudence, and Cumberland Order of Jurisprudence. He was a Mason, Shriner, and member of the York Rite.

Judge McElroy will be sorely missed by the many, many people who were fortunate enough to have known him over the many years of his life. His long legacy of devoted service to the State of Alabama, and the legal community in particular, will be remembered with respect for years to come, and he will long be admired for his dedication and leadership. I extend my sincerest condolences to his family.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, as of the close of business on Tuesday, July 12, the Federal debt stood at $4,621,828,111,034.37. This means that on a per capita basis, every man, woman, and child in America owes $17,727.78 as his or her share of that debt.

TRIBUTE TO ROBERT L. VIERA

Mr. LEVIN. Mr. President, I rise today to honor and pay tribute to Robert L. Viera, of Michigan, who has worked for the Saginaw County Community Action Committee [CAC] for the last 25 years. In 1970, a time of transition for the CAC, Mr. Viera assumed the role of executive director. Since 1970, Mr. Viera has turned the CAC into a powerhouse community organization based on his tenet of "Education as a key link in breaking the cycle of poverty."

Mr. Viera's first goal for the committee was the elimination of poverty. To

achieve this goal he mobilized resources in order to create institutional change. Mr. Viera described his philosophy that became the driving force of the organization as "changing tax consumers into tax contributors". In order to support his philosophy he instituted over 20 community programs, from dental care to jail rehabilitation.

Mr. Viera is not only a community warrior, he is a community savior. His selfless efforts to alleviate poverty have brought hope through education. A scholarship fund established in his name will serve as a living gift to the community that has benefited so greatly from having him as their leader.

The Saginaw County Community Action Committee and a cross-section of the community joined together on June 24, 1994, to celebrate 25 years of Mr. Robert L. Viera's accomplishments in the community. Although no longer the executive director of the CAC, Mr. Viera continues to work for the Saginaw County Child Development Center. His altruism has helped the Saginaw community immeasurably, making him both a hero and a role model.

UKRAINE'S PRESIDENTIAL ELECTIONS

Mr. DECONCINI. Mr. President, In Sunday's Presidential elections in Ukraine, former Prime Minister Leonid Kuchma emerged victorious over incumbent President Leonid Kravchuk, winning 51.5 percent of the vote to Kravchuk's 45.5 percent. Campaigning on the theme of strengthening economic ties with Russia and blaming President Kravchuk for Ukraine's serious economic ills, Kuchma drew largely on the support of the industrialized East and South.

President Kuchma's principal policy challenge will be to launch meaningful economic reform. President Kravchuk, for all his success in the international arena and in maintaining domestic stability, seemed unwilling to exert the leadership needed to implement real reform. President Kuchma will have the difficult job of working with the Cabinet of Ministers, Parliament, and regional and local officials—where reformers have made gains in recent elections—to turn this dire situation around. In this regard, Mr. Kuchma may face opposition in Parliament. Whereas the Communists and their allies—the largest bloc of deputies—appear to back his call for closer economic ties with Russia, they may block economic reform, much as the previous Parliament did when he was Prime Minister in 1992. There is a danger of continued gridlock unless Ukraine moves forward on a new constitution that more clearly defines executive and legislative powers.

The other major political challenge for the new President will be to bridge the gap between Eastern Ukraine and more nationalist Western Ukraine, which voted heavily for President Kravchuk, fearing that Kuchma would move Ukraine back into Russia's orbit. To his credit, the President-elect immediately called for political unity and articulated a willingness to overcome the East-West split. Mr. Kuchma will need to convince many of his countrymen that closer economic ties to Russia will not mean a loss of Ukraine's sovereignty or a turning away from the West.

Mr. President, last weekend, acting on a U.S. initiative, the leaders of the G–7 promised up to $4 billion in finance from the IMF to Ukraine, contingent on progress on economic reform. As Chairman of the Helsinki Commission, I have had a longstanding interest in Ukraine. I am very encouraged that the West, especially the United States, is increasingly acknowledging Ukraine's importance and is beginning to back it with concrete support. We need to sustain and nurture this growing interest in Ukraine and develop worthwhile assistance programs there, as an independent, Democratic Ukraine is crucial to the stability and security of Europe. But the key will be what happens in Ukraine. The country's new leadership has the opportunity to consolidate independence and develop the political and economic bases for democracy and prosperity. No amount of foreign aid or goodwill can be a substitute for the commitment to freedom of Ukraine's people and political maturity of its leadership.

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through July 1, 1994. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget—House Concurrent Resolution 287, show that current level spending is below the budget resolution by $4.9 billion in budget authority and $1.1 billion in outlays. Current level is $0.1 billion above the revenue floor in 1994 and below by $30.3 billion over the 5 years, 1994–98. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $311.7 billion, $1.1 billion below the maximum deficit amount for 1994 of $312.8 billion.

Since the last report, dated June 27, 1994, there has been no action that affects the current level of budget authority, outlays, or revenues.

Mr. President, I ask that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 11, 1994.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the 1994 budget and is current through July 1, 1994. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 64). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated June 27, 1994, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

ROBERT D. REISCHAUER.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE

[Fiscal Year 1994, 103d Congress, 2d Session as of Close of Business July 1, 1994; in billions of dollars]

	Budget resolution (H. Con. Res. 64)[1]	Current level[2]	Current level over/ under resolution
ON-BUDGET			
Budget Authority	1,223.2	1,218.4	−4.9
Outlays	1,218.1	1,217.1	−1.1
Revenues:			
1994	905.3	905.4	0.1
1994–98	5,153.1	5,122.8	−30.3
Maximum Deficit Amount	312.8	311.7	−1.1
Debt Subject to Limit	4,731.9	4,537.3	−194.6
OFF-BUDGET			
Social Security Outlays:			
1994	274.8	274.8	(*)
1994–98	1,486.5	1,486.5	(*)
Social Security Revenues:			
1994	336.3	335.2	−1.1
1994–98	1,872.0	1,871.4	−0.6

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

*Less than $50 million.

Note: Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE

[103d Congress, 2d Session, Senate Supporting Detail for Fiscal Year 1994 as of Close of Business July 1, 1994; in millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions			
Revenues			905,429
Permanents and other spending legislation[1]	721,182	694,713	
Appropriation legislation	742,749	758,885	
Offsetting receipts	(237,226)	(237,226)	
Total previously enacted	1,226,705	1,216,372	905,429
Enacted this Session			
Emergency Supplemental Appropriations, FY 1994 (P.L. 103–211)	(2,286)	(248)	
Federal Workforce Restructuring Act (P.L. 103–226)	48	48	

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE—Continued

[103d Congress, 2d Session, Senate Supporting Detail for Fiscal Year 1994 as of Close of Business July 1, 1994; in millions of dollars]

	Budget authority	Outlays	Revenues
Offsetting receipts	(38)	(38)	
Housing and Community Development Act (P.L. 103–233)	(410)	(410)	
Extending Loan Ineligibility Exemption for Colleges (P.L. 103–235)	5	3	
Foreign Relations Authorization Act (P.L. 103–236)	(2)	(2)	
Marine Mammal Protection Act Amendments (P.L. 103–238)		4	
Airport Improvement Program Temporary Assistance Act (P.L. 103–260)	(65)		
Total enacted this session	(2,748)	(643)	
Pending Signature			
Federal Housing Administration Supplemental (H.R. 4568)	(*)	(2)	
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted [2]	(5,562)	1,326	
Total Current Level [3 4]	1,218,395	1,217,054	905,429
Total Budget Resolution	1,223,249	1,218,149	905,349
Amount remaining:			
Under Budget Resolution	4,854	1,095	
Over Budget Resolution			80

[1] Includes Budget Committee estimate of $2.4 billion in outlay savings for FCC spectrum license fees.

[2] Includes changes to baseline estimates of appropriated mandatories due to enactment of P.L. 103–66.

[3] In accordance with the Budget Enforcement Act, the total does not include $14,203 million in budget authority and $9,079 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $757 million in budget authority and $291 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount as an emergency requirement.

[4] At the request of Budget Committee staff, current level does not include scoring of section 601 of P.L. 102–391.

*Less than $500 thousand.

Notes: Numbers in parentheses are negative. Detail may not add due to rounding.

TRIBUTE TO JACQUELINE KENNEDY ONASSIS

Mr. DODD. Mr. President, I rise today to pay tribute to Jacqueline Kennedy Onassis, a woman whose extraordinary journey through life recently came to an end. Like everyone, I was saddened by her passing, and my sincerest condolences go out to her family and friends.

In remembering Mrs. Onassis, many have focused on her grace and on her beauty. And to be sure, she was graceful, and she was beautiful. But to stop there in describing this woman is to sell her short. For the fact is that Jacqueline Kennedy Onassis was more than anything else a woman of character.

This was most starkly illuminated after the terrible tragedy of Dallas, when she stood along side Lyndon Johnson as he was sworn in as President. She put aside the shock and grief for long enough to fulfill her final, and perhaps most important, duty as First Lady: providing the Nation with an indispensable symbol of the peaceful transfer of power.

But we honor Mrs. Onassis's memory not because she was a former President's wife, but because she was a unique individual and an authentic American. She loved this country; she was proud of its culture; and she dedicated much of her life to spreading that pride among her fellow citizens.

She lent her talents to the cause of historical preservation, and Lafayette Square in Washington and New York's Grand Central Terminal stand today as monuments to her work, enduring gifts from her to the people of this Nation.

After a person has left us, the best test of her life is to ask the question, did she make a difference. Was the world a better place than it would have been had she not been born?

In the case of Jacqueline Kennedy Onassis, the answer to these questions is unquestionably "yes." In the lives of her children and grandchildren, in the lives of millions of Americans she touched, in the life of this Nation, Jacqueline Kennedy Onassis did make a tremendous difference, and it was a difference for the better.

She will be sorely missed, and she will be fondly remembered.

TRIBUTE TO JACQUELINE KENNEDY ONASSIS

Mr. SASSER. Mr. President, I join with my colleagues in paying tribute to former First Lady Jacqueline Kennedy Onassis.

Jacqueline Kennedy came to the White House in 1961 as the third youngest First Lady in American history. In three short years, her elegance and grace set a standard by which all future First Ladies have been judged.

She restored the White House and made it a national treasure. Under her guidance, sources of historic pieces of art and furniture were returned to the White House. She also made the White House a showcase for the arts—featuring the work of such world-renowned artists as Pablo Casals.

When developers threatened Lafayette Park, across from the White House, Mrs. Kennedy stepped in. Lafayette Park was saved and the historic setting of the White House was preserved.

Equally important, however, she made a secure and happy home for her family in the White House, giving her children the privacy and security that all children need.

It is difficult now to recreate the feeling of idealism of that time. It was as if a New American Age had dawned and anything was possible. That belief, and our own innocence, ended in one shattering moment.

Those of us who lived through those terrible days in November of 1963 will never forget the grace, and dignity, and courage Mrs. Kennedy displayed. She quite literally held our country together in its grief.

After President Kennedy's assassination, during her remarriage and her career in publishing, Jacqueline Kennedy Onassis guarded her privacy zealously. She continued her involvement and support for the arts and historic preservation. She worked to save such historic sites as New York's Grand Central Terminal. As a book editor, she continued her commitment to culture, editing books on the arts and history.

Throughout her life, Jacqueline Onassis never hesitated in saying that she considered raising her children to be the most important thing in her life. In the past few years we have seen just how successful she has been—raising her children to be responsible adults with a commitment to public service.

Although Jacqueline Kennedy Onassis has been taken from us too young, she has left us a legacy of grace and dignity and common sense. She graced our lives with her presence and we are the poorer for her passing.

RECLAIMING CHRISTIANITY: A CALL FOR TOLERANCE

Mr. HOLLINGS. Mr. President, poll after poll shows that our Nation is among the most religious in the Western world. We Americans are a people of faith. The Senate and House open their daily sessions with a solemn prayer. Every American coin and bill is stamped with the national motto: "In God we trust."

Likewise, we have a long and honored tradition of political activism by Americans of faith—citizens motivated by their religious beliefs to enter the political fray, to seek changes in our laws and in our society. This was the case with abolitionists in the decades prior to the Civil War. It was the case with those who committed themselves—who still commit themselves—to the struggle for civil rights. And it is the case today with many conservative Christians who seek to reinvigorate traditional American values.

I respect conservative Christians, however strongly I may disagree with them on particular issues. In an era of rising crime, widespread drug abuse, and soaring rates of illegitimacy, it is ridiculous to say that Christians should stick to their churches and not step forward as a positive influence in the political arena.

That said, I must also point out the danger of extremists in the midst of the conservative Christian community. These extremists—a small but highly visible minority—trade in a fundamentally un-Christian brand of bigotry, intolerance and hatred. They stoop to character assassination. They arrogantly claim that God is on their side and that their political opponents are in league with Satan.

Mr. President, in a July 8 editorial titled "Reclaiming Christianity," the Atlanta Constitution speaks out forcefully against these extremists. The editorial is a plea for tolerance—which is surely among the most honored of Christian virtues.

I rise to add my voice to that of the Atlanta Constitution. Let me state

what ought to be obvious: That we can disagree without vilifying or demonizing our opponents; that God is not the exclusive property of any political or religious group; that there are millions of good Americans on the far right, on the far left and everywhere in between who have a profound and sincere faith in God.

Mr. President, I ask unanimous consent that the Constitution editorial, "Reclaiming Christianity," be printed in the RECORD.

[From the Atlanta Constitution, July 8, 1994]

RECLAIMING CHRISTIANITY

Jerry Falwell, Pat Robertson and others are trying to steal something that doesn't belong to them. They have hijacked and profaned the word "Christian," and it is time the term was reclaimed from their grasping hands and restored to its full, honorable meaning.

The word "Christian" should not be used to divide Americans one against the other. Nor should it be diminished to a description of a narrow political ideology. A Christian is someone who believes in Jesus Christ as the son of God, and, defined properly, the word applies to people holding a broad spectrum of political beliefs, from liberal to conservative. There is no such thing as a Christian political position.

Nonetheless, groups such as Robertson's Christian Coalition have attempted to steal the word and apply it only to themselves and their conservative political agenda. According to their definition, a Christian opposes abortion, gay rights and the Clinton health plan, and supports prayer in schools, school vouchers and the balanced-budget amendment. By implication, any deviation from that list is a deviation from biblical principles and the word of God.

So, while Jimmy Carter may think of himself as a born-again evangelical Christian, politically he is not "Christian." Bill Clinton is a Southern Baptist by upbringing and by belief, but he is not "Christian" in a political sense. In fact, Falwell, Robertson and others would deny the president is Christian in any sense, usurping for themselves God's authority to peer into the man's soul and judge him.

The arrogance of such an act is astounding but typical. Those who believe themselves to be the infallible interpreters of God's word, particularly as it applies to political issues, apparently feel little cause to feign humility. And the most troubling expression of their arrogance is the intolerance it breeds for the opinions of others.

Tolerance is born of the understanding that none of us is infallible. Christian tolerance is born of the understanding that while God and his message may be infallible, no one (except, in Catholic theology, the pope) is infallible in interpreting that message.

In a political setting, once a position is defined as God's position, compromise and debate become impossible. How is it possible to compromise God's position? It is not. And once God has spoken, what is there left to debate? Nothing. What once might have been a calm political discussion instead becomes a battle between believers and non-believers, in which compromise is ruled out and utter defeat or victory the only possible outcome.

That is not democracy. It's religious warfare.

Democracy requires that we enter the political arena allowing at least the tiny possibility that we could be wrong, and that the other side might have a point. That kernel of doubt allows us to respect other points of view. It allows us to compromise. Most important, it allows us to accept as legitimate decisions that we ourselves believe to be wrong.

Without the seed of doubt from which tolerance springs, we are left with the attitude expressed by the Christian Coalition, which dismissed the inauguration of Clinton as illegitimate and "a repudiation of our forefathers' covenant with God."

Such a sentiment is profoundly antidemocratic, and it demonstrates anew why our forefathers were so wary of mixing religion and government. They knew that a government influenced by religious beliefs is a good thing, but a government dictated by a religious belief is something else entirely.

IN MEMORY OF BERNARD H. "BARNEY" ERHART

Mr. MOYNIHAN. Mr. President, I rise today to recognize the passing of prominent western New York State politician, Bernard H. "Barney" Erhart on July 6, 1994.

In the July 7, 1994, edition of the Buffalo News, Bill Price wrote a fitting memorial to this dedicated family man and public servant. Mr. President, I ask at this time that the article be included in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Buffalo News, July 7, 1994]

BERNARD H. ERHART, DEAN OF WYOMING POLITICS, DIES

(By Bill Price)

SILVER SPRINGS.—Bernard H. "Barney" Erhart, considered the dean of Wyoming County politics, died Wednesday (July 6, 1994) in Wyoming County Community Hospital, Warsaw, after a long illness. He was 76.

He was supervisor for the Town of Gainesville for 30 years, retiring only last December. He was considered one of the longest-sitting town supervisors in the state.

Erhart also operated a real estate business, barber shop, Christmas tree farm and the Silver Springs Liquor Store, all in Silver Springs.

Born in Rochester, he moved to Wyoming County as a boy.

For several decades he gave free haircuts to patients in the Wyoming County Community Hospital and at area nursing homes and senior citizen facilities.

It was not uncommon for Erhart to deliver a bag of groceries to a needy family or elderly residents. Many families in need also received free Christmas trees from Erhart.

Among his many affiliations, Erhart was a member of the Silver Springs Fire Department, the former Silver Springs-Gainesville Kiwanis Club and the Bates-Courtney America Legion Post. He also was a member of St. Mary's Catholic Church.

Erhart retired from the Army in 1962 as a sergeant-major after a 23-year military career. He saw service during World War II, the Korean War and the Cuban missile crisis.

During his political career, Erhart was known for a friendly smile, hot cinnamon candies and the trademark greeting, "Hello Darling."

For years, Erhart routinely adjourned each session of the Wyoming County Board of Supervisors with a slam of his fist on his desk.

He was familiar with politicians at all levels, including presidents, governors and senators. His barber shop featured a "picture wall" of famous faces of politics from the 1960s through the '90s.

Those barbershop patrons getting their "ears lowered" sometimes would be surprised to see senatorial or congressional candidate seeking Erhart's support. One time, a youthful Robert F. Kennedy, then seeking the nomination for U.S. Senate from New York, showed up unexpectedly at his barbershop door.

From 1970 until his death he served as chairman of the Wyoming County Democratic Party.

A testimonial dinner last Aug. 1 attended by leaders on both sides of the political aisle honored Erhart for his many years of public service.

A longtime friend, former Wyoming County Judge John Conable, who was a Republican, called Erhart "the consummate politician."

"He always cared about his people and always wanted to know what was going on in Wyoming County and in the Town of Gainesville."

A portrait of Erhart and his wife, the former Frances Luzer, who died May 28, was presented to the Gainesville Town Library by members of the Gainesville Town Board in 1991.

Survivors include three daughters, Dr. Kathleen of Sausalito, Calif., Janet McQuade of Ontario, N.Y., and Elizabeth; a brother Lewis of Anchorage, Alaska; and two grandchildren.

A Mass of Christian Burial will be offered at 10 a.m. Saturday in St. Mary's Catholic Church, Church Street. Burial will be in the church cemetery.

IN HONOR OF THE PUBLIC HEALTH SERVICE ACT'S 50TH ANNIVERSARY

Mr. DURENBERGER. Mr. President, Tuesday, July 12, marks the 50th anniversary of the Public Health Service Act. In 1944, the Public Health Service [PHS] Act helped establish institutions that are dedicated to improving the health of the citizens of this Nation: The National Institutes of Health, the Centers for Disease Control and Prevention, and other agencies of the PHS. The 1944 law armed the PHS for a broader role—keeping Americans healthy.

PHS has built an excellent track record in a variety of areas to improve health. It rushes medical teams to earthquakes, floods, and other disasters. It supports birth control clinics and tracks and isolates such diseases as toxic shock syndrome. It identified AIDS. It led the world-wide drive that eliminated small pox. PHS research has garnered Nobel Prizes and has undertaken such watershed disease-prevention activities as the publication of the 1964 Surgeon General's Report on Smoking and Health and the 1988 mailing of Understanding AIDS to every household in America. At the same time, PHS helps the medically underserved by paying tuition for medical students who are willing to serve in isolated areas, and by supporting community and migrant health centers.

The 50 years of the modern PHS have seen great progress: Cardiovascular deaths have declined dramatically; diabetes mellitus is under better control; many cases of childhood leukemia are now curable; polio has not been seen in the United States since 1979; and researchers are on the verge of genetic breakthroughs and diagnostic and therapeutic revolutions.

In spite of that progress, individuals growing up today face substantial challenges in their everyday lives that contribute to their health and medical care needs. We are facing violence, drug abuse, accidents, infant mortality, and AIDS, among others. Individuals are not seeking prenatal and preventive care because they are faced with everyday problems of food, safety, and shelter. Until we address the underlying factors that contribute to the health of our citizens we will not be able to resolve our escalating medical care costs.

Prevention is critical not just because it is cheaper to prevent than to cure—prevention is better for people. The issue we must tackle as we reform our health care delivery system is how to create a system that builds in incentives for healthy personal behavior. I believe that preventive care cannot simply be mandated, we need to institutionalize a process to facilitate and promote change, specifically behavioral change.

In spite of advances in health care technology, the health of Americans is eroding due to poor personal choices. It has become increasingly evident that an individual's unhealthy behavior is most likely a determinant to heart disease, cancer, and stroke. Behaviors such as smoking, a high-fat diet, and obesity, lack of exercise and lifestyle choices which lead to high blood pressure and stress are subject to behavior modifications. Not far behind them are accidents, injuries, suicide, and homicide, many of which are generally preventable.

Every day over 1,000 Americans die from preventable diseases. Heart disease and lung cancer are two of the most prominent causes of death among men and women in the United States. Each year, 40 percent of deaths from heart disease and 85 percent of deaths from lung cancer in this country are attributable to smoking. It is not coincidental that as smoking has increased among women over the last decade, lung cancer is now surpassing breast cancer as the leading cause of cancer death for American women.

In addition, a mother's chemical dependency is an escalating social problem, as well as health problem. Premature infants suffering from crack addiction or fetal alcohol syndrome must endure more expensive care than a normal, healthy infant in the first year of life. In many cases, the consequences are apparent for a lifetime.

These spreading health problems stem from poverty, poor education, and lack of access to care that would prevent tuberculosis, AID's, and other scourges. Responsible family planning, prenatal care, and abstinence from drugs and alcohol during pregnancy would substantially reduce the incidence of premature births in this country.

Obviously, a problem exists and has been defined. However, I urge my colleagues to define this problem in the broadest possible manner. The Federal Government has articulated its acceptance of the economic problems associated with health care—spiraling medical costs have had a negative impact on both individuals and businesses in this country. Health reform needs to look beyond medicine and recognize the effect improvements in education, welfare and crime prevention will also have.

The entities created by the Public Health Service Act are attempting to tackle many of these problems. "Healthy Goals 2000" establishes goals that encompass the broader definition of health in this Nation. Any message on health care must communicate an understanding that health care costs and access have a personal impact on every American.

We must put the public back in public health. Unhealthy and self-destructive behavior, addiction, abuse, AID's, violence, and failure to maximize immunization and other preventive health care needs all feed inefficiencies into the system. Individuals must accept greater responsibility in health care delivery and the Federal Government must provide incentives for them to do so.

I want to stress the importance of prevention. Our lifestyles, families, and communities must all assume their fair share. We must remember that just because these are common problems does not mean they have a common Federal answer. Indeed, good health promotion and needed solutions to our current health dilemma are more effectively located at the State and local levels, through schools and most importantly through efforts by all Americans to focus and better understand the problem.

If we, as legislators, can encourage preventive care and wellness attitudes in our communities and as individuals, we can reduce violence, substance abuse, accidents, and smoking. As a result, we will see remarkable changes in the quality of our health and in our demands on the medical system.

The PHS is focusing on reaching public health goals set in 1990 for the turn of the century. I commend them on their past successes and applaud their continued efforts.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO EXPORTS TO THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT—PM 131

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

Pursuant to the authority vested in me by section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246), and as President of the United States, I hereby report to the Congress that it is in the national interest of the United States to waive the restrictions contained in that Act on the export to the People's Republic of China of U.S.-origin satellites insofar as such restrictions pertain to the EchoStar project.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 13, 1994.*

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on today, July 13, 1994, by the President pro tempore [Mr. BYRD]:

H.R. 3567. An act to amend the John F. Kennedy Center Act to transfer operating responsibilities to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, and for other purposes; and

H.R. 4454. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1995, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3036. A communication from the Chairman of the National Education Commission on Time Learning, transmitting, pursuant to law, a report relative to the relationship between time and learning; to the Committee on Labor and Human Resources.

EC–3037. A communication from the Acting Assistant Secretary of Intergovernmental and Interagency Affairs, Department of Education, transmitting, pursuant to law, the annual report of the Commisssion on Educational Excellence for Hispanic Americans for fiscal year 1993; to the Committee on Labor and Human Resources.

EC–3038. A communication from the Assistant Secretary of Education for Postsecondary Education, transmitting, pursuant to law, the final regulations with respect to the Faculty Development Fellowship Program; to the Committee on Labor and Human Resources.

EC–3039. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report to Congress from the Interagency Task Force on the Prevention of Lead Poisoning; to the Committee on Labor and Human Resources.

EC–3040. A communication from the Secretary of Education, transmitting, pursuant to law, the final regulations with respect to administration of grants and agreements with institutions of higher education, hospitals, and other non-profit organizations; to the Committee on Labor and Human Resources.

EC–3041. A communication from the Board of Directors of the Railroad Retirement Board, transmitting, pursuant to law, the actuarial report for the railroad retirement system for calendar year 1992; to the Committee on Labor and Human Resources.

EC–3042. A communication from the Board of Directors of the Railroad Retirement Board, transmitting, pursuant to law, the 1994 report on the status of the railroad unemployment insurance system; to the Committee on Labor and Human Resources.

EC–3043. A communication from the Secretary of Education, transmitting, pursuant to law, the final regulations with respect to the Federal Family Education Loan Program; to the Committee on Labor and Human Resources.

EC–3044. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report of the Student Loan Marketing Association for calendar year 1993; to the Committee on Labor and Human Resources.

EC–3045. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report on Advisory and Assistance Services for fiscal year 1993; to the Committee on Agriculture, Nutrition and Forestry.

EC–3046. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report on worst case needs for housing assistance in calendar years 1990 and 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC–3047. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–3048. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to authorize appropriations for fiscal years 1995 and 1996 for the Office of Commercial Space Transportation of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC–3049. A communication from the Chairman of the Pennsylvania Avenue Development Corporation, transmitting, a draft of proposed legislation entitled "Pennsylvania Avenue Corporation Act of 1994"; to the Committee on Energy and Natural Resources.

EC–3050. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the summary of expenditures of rebates from the low-level radioactive waste surcharge escrow account for calendar year 1993; to the Committee on Energy and Natural Resources.

EC–3051. A communication from the Environmental Protection Agency, transmitting, pursuant to law, the report of point source discharges inside the baseline; to the Committee on Environment and Public Works.

EC–3052. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-265 adopted by the Council on June 7, 1994; to the Committee on Governmental Affairs.

EC–3053. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-266 adopted by the Council on June 7, 1994; to the Committee on Governmental Affairs.

EC–3054. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals, dated July 1, 1994; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee on Banking, Housing and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on the Judiciary, and the Committee on Small Business.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–587. A resolution adopted by the Board of Supervisors of the County of Chenango, New York relative milk price supports; to the Committee on Agriculture, Nutrition, and Forestry.

POM–588. A resolution adopted by the House of the General Assembly of the State of Illinois; to the Committee on Appropriations.

"HOUSE RESOLUTION

"Whereas, the Pentagon's Bottom-Up Review concluded that the next Nimitz-class nuclear aircraft carrier (CVN–76) is required if America is to maintain a 12-carrier fleet, the force structure needed to sustain peacetime forward presence and protect American interests in regional conflicts; and

"Whereas, this year Congress will consider the Administration's request for full funding of CVN–76, which will be constructed by Newport News Shipbuilding at its Virginia facilities; and

"Whereas, the Administration's plan calls for full funding of the carrier in FY 1995, with work on the ship beginning soon after October 1; and

"Whereas, CVN–76 could bring millions of dollars in contracts and jobs to the businesses and citizens of the State of Illinois; and

"Whereas, the possible benefits to Illinois will be much greater if the funding for 1995 is approved and the project is kept on schedule; Therefore, be it

"*Resolved, by the House of Representatives of the Eighty-Eighth General Assembly of the State of Illinois,* That we urge the Congress to support full funding of the CVN–76 aircraft carrier project in the 1995 budget; and be it further

"*Resolved,* That suitable copies of this resolution be presented to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Illinois Congressional delegation."

POM–589. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources.

"LEGISLATIVE RESOLVE

"Whereas, the Alaska National Interest Lands Conservation Act (ANILCA) and the Tongass Land Management Plan define multiple use objectives for the Tongass National Forest; and

"Whereas, according to the Multiple Use Sustained Yield Act of 1960, national forest land is to be managed for a sustainable yield of various resources including water, fish, wildlife, and timber; and

"Whereas, the Tongass Land Management Plan is currently undergoing revision to see how these goals are being met and to provide direction for meeting these goals in the future; and

"Whereas, regeneration on harvested land in the Tongass National Forest has demonstrated that second growth yields can reach the 23,000 board feet per acre necessary to sustain a harvest of 450,000,000 board feet per year as designated in the Tongass Land Management Plan; and

"Whereas, in recent years, timber sales on the Tongass National Forest have been significantly reduced so that far less than 450,000,000 board feet are available; and

"Whereas, the economy of Southeast Alaska utilizes resources of the Tongass for commercial fisheries, recreation, tourism, mining, and timber harvest; and

"Whereas, the economy of Southeast Alaska is stable, has enabled the use of long-term bond financing for public service, and has attracted significant private capital investment; and

"Whereas, the timber industry of Southeast Alaska was developed based upon an expected annual harvest level of 450,000,000 board feet; and

"Whereas, Tongass National Forest timber resources accounted for about 2,500 of the annual average 3,600 private sector jobs directly generated by the forest products industry in Southeast Alaska in 1992, the last year for which accurate figures are available; and

"Whereas, the forest products industry in Southeast Alaska accounted for 24 percent of basic industry employment (including government), and 34 percent of all private basic industry employment, in 1992; and

"Whereas, workers in the forest products industry in Southeast Alaska, including loggers, road builders, stevedores, sawmill workers, and pulp mill workers earned approximately $146,000,000 in wages and salaries during 1992; and

"Whereas, forest products industry employment in Southeast Alaska has declined sharply since 1990, marked by the loss of $18,000,000 in payroll and more than 600 jobs, due to reduced timber harvests on the

Tongass and the near completion of the first harvest on private land; and

"Whereas, the United States Congress in 1980 enacted the Alaska National Interest Lands Conservation Act, which includes provisions designating 5,400,000 acres of the Tongass National Forest as part of the Wilderness Preservation System, and thus closed that land to timber harvest; and

"Whereas, an increase in the availability of timber for harvest on the Tongass National Forest could offset the lack of production of timber from private land and maintain the economic well-being of Southeast Alaska; and

"Whereas, a decline in the availability of timber to harvest on the Tongass National Forest will continue to cause the loss of jobs in the timber industry in Southeast Alaska and will significantly impair the economic well-being of the area as many communities are totally or otherwise very dependent on the timber industry as the sole or one of the largest employers in the community; and

"Whereas, the United States Congress in 1990 enacted the Tongass Timber Reform Act, thus closing an additional 1,100,000 acres of land to timber harvest through wilderness designations and management practices; and

"Whereas, timber availability is critical to the health of the forest products industry in Alaska, and the availability of timber in the Tongass National Forest will likely determine the future of the forest products industry in Alaska; and

"Whereas, the United States Congress controls the level of timber harvesting in the Tongass in part through the budget process and by these land designations acts; and

"Whereas, the United States Department of Agriculture, Forest Service, manages the Tongass National Forest and determines the availability of timber for harvest on the land not closed to timber harvest: Be it

Resolved, That the Alaska State Legislature respectfully requests the United States Congress to review the economic impact on the Southeast Alaska economy and the forest products industry of the wilderness designations imposed by the Alaska National Interest Lands Conservation Act of 1980, and the wilderness designations and changes in management practices mandated by the Tongass Timber Reform Act of 1990; and be it further

Resolved, That the Alaska State Legislature respectfully requests the United States Congress to provide sufficient funding to the United States Department of Agriculture, Forest Service, to facilitate offering for harvest the maximum amount of Tongass timber possible under current law while recognizing and protecting other resource values; and be it further

Resolved, That the Alaska State Legislature requests the United States Department of Agriculture, Forest Service, to manage the Tongass National Forest in order to provide maximum opportunity for timber harvest under current law while recognizing and protecting other resource values.

"Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; the Honorable George Mitchell, Majority Leader of the U.S. Senate; the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska Delegation in Congress; and to Mr. Michael Espy, Secretary of the U.S. Department of Agriculture, and Mr. Jack Ward Thomas, Chief of the U.S. Forest Service."

POM-590. A joint resolution adopted by the Legislature of the General Assembly of the State of Illinois; to the Committee on Veterans' Affairs.

"HOUSE JOINT RESOLUTION

"Whereas, there is continuing controversy concerning the presence of American servicemen, who were listed as Prisoners of War or Missing in Action, being held against their will in the Southeast Asian nations of Vietnam, Laos, and Kampuchea (formerly Cambodia); and

"Whereas, the United States government has stated that all of our Prisoners of War have been returned from Vietnam; and

"Whereas, a recent top secret Vietnamese report, dating from 1972, by General Tran Von Kwong, Deputy Chief of Staff for the North Vietnamese Army, reported that in September of 1972 Hanoi held 1,205 American prisoners; and

"Whereas, only 591 American Prisoners of War have been released under the 1973 Peace Settlement; and

"Whereas, Vietnamese nationals who have moved to the united States have reported the appearance of American Prisoners of War still being held against their will in Southeast Asia; and

"Whereas, the President of Russia let it be known that the Soviet Union took American servicemen during the Vietnam War into the Soviet Union and that there is no adequate explanation concerning the whereabouts of these servicemen; and

"Whereas, there are still hundreds of documents in the United States Defense Department that have not been released to the public concerning the fate of American servicemen classified as Prisoners of War or Missing in Action; and

"Whereas, the United States government's intelligence agencies have taken the position of trying to discredit any information concerning the existence of American Prisoners of War, instead of demanding a full accounting from Vietnam, Laos, and Kampuchea based upon the information that has been received; and

"Whereas, there are 96 missing and unaccounted for servicemen in Southeast Asia from Illinois; and

"Whereas, the United States government has never entered into negotiations with the government of Laos or Kampuchea concerning the release of American Prisoners of War who were taken prisoner by the communists in Laos during the Vietnam War; and

"Whereas, the only reason for secrecy at this time would be to cover up the actions of politicians, bureaucrats, and negotiators who deliberately abandoned American Prisoners of War after the Vietnam War; and

"Whereas, the executive branch of the Federal government has put forth a pathetic effort to negotiate the release of Americans that may still be held in Southeast Asia, and is obstructing the discovery of any remaining servicemen; and

"Whereas, the legislative branch of the Federal government has failed to thoroughly investigate and honestly report on this tragedy, and, indeed, has even ordered the destruction of staff documents containing staff intelligence reports on this sensitive issue; and

"Whereas, the inferior courts of the federal judiciary have not granted relief to the American soldiers listed as Prisoners of War or Missing in Action; and

"Whereas, the United States Supreme Court is the last bastion that an American citizen has for redress of grievances and protection of Constitutional liberty against an oppressive federal executive and a duplicitous federal legislature; and

"Whereas, the United States Constitution, in Article III, section 2, states "In all cases affecting Ambassadors, other public Ministers and Counsels, and those in which a State shall be a Party, the Supreme Court shall have original jurisdiction"; and

"Whereas, any Americans who are still being held against their will in Southeast Asia as a result of the Vietnam War are having their right to liberty, that inherent and inalienable right by which they are endowed by our Creator, as guaranteed by the Declaration of Independence and the Constitution of the United States, violated: therefore be it

"*Resolved by the House of Representatives of the Eighty-Eighth General Assembly of the State of Illinois. (The Senate Concurring Herein.)* That we request the Attorney General of the State of Illinois, on behalf of the people of the State of Illinois, to file in the United States Supreme Court a cause of action against the government of the United States, especially the Department of Defense and the intelligence agencies, and also against the ambassadors or other public ministers and consuls of the governments of Vietnam, Laos, Kampuchea, Russia, and China, alleging violation of civil rights of the people of Illinois, especially alleging the violation of the right to life, liberty, and the pursuit of happiness of the following named citizens of the State of Illinois:

"Harold Joseph Alwan, USMC, of Peoria;

"Harry Arlo Amesbury, Jr., USAF, of Morrison;

"Gregory Lee Anderson, USAF, of Wheaton;

"Robert Donald Beutel, USAF, of Tremont;

"Wayne Bibbs, USA, of Blue Island;

"Timothy Roy Badden, USMC, of Downer's Grove;

"Arthur Ray Bollinger, USAF, of Greenville;

"Daniel Vernor Boran, Jr., USN, of Olney;

"James Alvin Branch, USAF, of Park Forest;

"Thomas Edward Brown, USN, of Danville;

"Robert Wallace Brownlee, USA, of Chicago;

"Bernard Ludwig Bucher, USAF, of Eureka;

"Kenneth Richard Buell, USN, of Kankakee;

"Park George Bunker, USAF, of Homewood;

"Michael John Burke, USMC, of Chicago;

"Joseph Henry Byrne, USAF, of Evanston;

"Ralph Laurence Carlock, USAF, of Des Plaines;

"John Werner Carlson, USAF, of Chicago;

"John Bernard Causey, USAF, of Granite City;

"Charles Peter Claxton, USAF, of Chicago;

"Dean Eddie Clinton, USA, of Dix;

"Ralph Burton Cobbs, USN, of East St. Louis;

"Willard Marion Collins, USAF, of Quincy;

"Joseph Bernard Copack, Jr., USAF, of Chicago;

"Kenneth Leroy Cunningham, USA, of Ellery;

"Patrick Robert Curran, USMC, of Bensenville;

"Raymond George Czerwiec, USA, of Chicago;

"Thomas Carl Daffron, USAF, of Pinckneyville;

"Randall David Dalton, USA, of Collinsville;
"James Leslie Dayton, USA, of Granite City;
"Richard Carl Deuter, USN, of Chicago;
"Michael E. Dunn, USN, of Naperville;
"Dennis Keith Eads, USA, of Prophetstown;
"William F. Farris, USN, of West Salem;
"Barry Frank Fivelson, USA, of Evanston;
"Ronald E. Galvin, USN, of River Forest;
"Carles Hue Gatewood, USMC, of Chicago;
"Donald Arthur Gerstel, USN, of Matteson;
"John Bryan Golz, USN, of Rock Island;
"Thomas E. Heideman, USAF, of Chicago;
"Robert D. Herreid, USA, of Aurora;
"Joseph Arnold Hill, USMC, of Taylorville;
"Anthony F. Housh, USA, of Newton;
"Roger B. Innes, USN, of Chicago;
"Michael James Jablonski, USA, of Chicago;
"Ronald James Janousek, USMC, of Posen;
"Jack Elmer Keller, USN, of Chicago;
"Kenneth Keith Knabb, Jr., USN, of Wheaton;
"Jeffery C. Lemon, USAF, of Flossmoor;
"Leonard J. Lewandowski, Jr., USMC, of Des Plaines;
"Notely G. Maddox, USAF, of Rockford;
"Richard Carlton Marshall, USAF, of Chicago;
"James Philip Mason, USA, of DeKalb;
"Glenn David McElroy, USA, of Sidney;
"James Patrick McGrath, USN, of Chicago;
"Carl Ottis McCormick, USAF, of Peoria;
"Robert Charles McMaran, USN, of Jacksonville;
"Roger Allen Meyers, USN, of Chicago;
"William John Moore, USAF, of Monmouth;
"Wayne Ellsworth Newberry, USAF, of E. St. Louis;
"Randall John Nightingale, USN, of Onarga;
"Joseph Paul Nolan, Jr., USA, of Oak Park;
"Michael David O'Donnell, USA, of Springfield;
"Floyd Warren Olsen, USA, of Wheaton;
"Warren Robert Orr, Jr., USA, of Kewanee;
"Donald E. Parsons, USA, of Sparta;
"Roger Dale Partington, USMC, of Sparta;
"Gordon Samuel Perisho, USN, of Quincy;
"James L. Phipps, USA, of Mattoon;
"Thomas Holt Pilkington, USA, of Morton Grove;
"Jerry Lynn Pool, USA, of Freeport;
"William Marshall Price, USMC, of Kewanee;
"Dennis M. Rattin, USA, of Bradley;
"Ronald R. Rexroad, USAF, of Rankin;
"Robert Paul Riggins, USAF, of Champaign;
"Billie Leroy Roth, USAF, of Lacon;
"Leland Charles Cooke Sage, USN, of Waukegan;
"Richard Eugene Sands, USA, of Springfield;
"Leroy Clyde Schaneberg, USAF, of Ashton;
"David Lee Scott, USA, of Carlock;
"David William Skibbe, USMC, of Des Plaines;
"Harold Victor Smith, USAF, of Bridgeport;
"Joseph Stanley Smith, USAF, of Assumption;
"Dean Paul St. Pierre, USAF, of Kankakee;
"James Clellon Story, USA, of Berwyn;
"John W. Swanson, Jr., USAF, of Arlington;
"Jerrold Allen Switzer, USMC, of Paris;
"Derri Sykes, USA, of Chicago;
"Oral D. Terry, USA, of Mascoutah;
"John C. Towle, USAF, of Harrisburg;
"Duston Cowles Trowbridge, USN, of Wayne;
"Martin D. Vandeneykel II, USA, of Wheaton;
"James Edward Whitt, USAF, of Penfield;
"Richard Dennis Wiley, USA, of Decatur;
"Robert Cyril Williams, USAF, of McLeansboro; and
"Robert John Zukowski, USAF, of Chicago; and be it further

"*Resolved*, That the Attorney General of the State of Illinois, in filing this suit, shall demand that the Department of Defense, the intelligence agencies, the governments of Vietnam, Laos, Kampuchea, Russia, and China turn over all documents concerning Prisoners of War and Missing in Action in Laos, Kampuchea, and Vietnam: and be it further

"*Resolved*, That the sister forty-nine states of the United States of America be urged to join in this action on behalf of their state and the citizens of their state who are being held in captivity in Southeast Asia: and be it further

"*Resolved*, That a suitable copy of this preamble and resolution be forwarded to the Attorney General of the State of Illinois, to the United States Supreme Court, to the President of the United States, to the Speaker of the United States House of Representatives, to the President of the United States Senate, to the members of the Illinois congressional delegation, and to the clerks of the respective Houses and Senates of our sister forty-nine states."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2281. An original bill to reduce homelessness, reform public housing, expand and preserve affordable housing, encourage homeownership, ensure fair housing for all, and empower communities, and for other purposes (Rept. No. 103-307).

By Mr. NUNN, from the Committee on Armed Services, with amendments:

H.R. 4429. A bill to authorize the transfer of naval vessels to certain foreign countries.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROCKEFELLER (by request):

S. 2279. A bill to amend title 38, United States Code, to make discretionary the financial reporting requirements applicable to recipients of certain need-based benefits; to the Committee on Veterans Affairs.

By Mr. ROBB (for himself and Mr. WARNER):

S. 2280. A bill to provide for an orderly process to ensure compensation for the termination of an easement or the taking of real property used for public utility purposes at the Manassas National Battlefield Park, Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. RIEGLE:

S. 2281. An original bill to reduce homelessness, reform public housing, expand and preserve affordable housing, encourage homeownership, ensure fair housing for all, and empower communities, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. KERRY:

S. 2282. A bill to amend title V of the Trade Act of 1974 to provide incentives for developing countries to develop and implement strong environmental protection programs, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD:

S. Res. 241. A resolution to amend rule XVI of the Standing Rules of the Senate relating to amendments to appropriation bills in the Senate; to the Committee on Rules and Administration.

By Mr. CAMPBELL (for himself, Mr. BAUCUS, Mr. JOHNSTON, Mr. REID, Mr. BRYAN, Mr. BINGAMAN, Mr. DECONCINI, Mr. BURNS, Mr. PACKWOOD, Ms. MIKULSKI, Mr. BUMPERS, Mr. DASCHLE, Mr. CRAIG, Mr. MATHEWS, Mr. BROWN, Mr. DORGAN, Mr. BIDEN, Mr. HATFIELD, Mr. KEMPTHORNE, Mr. DOLE, and Mr. STEVENS):

S. Res. 242. A resolution honoring the 14 Federal firefighters who died while fighting a wildfire near Glenwood Springs, Colorado; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (by request):

S. 2279. A bill to amend title 38, United States Code, to make discretionary the financial reporting requirements applicable to recipients to certain need-based benefits; to the Committee on Veterans' Affairs.

VETERANS' BENEFITS INCOME VERIFICATION AMENDMENT OF 1994

Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 2279, a bill to make discretionary the financial reporting requirements applicable to recipients of certain need-based benefits. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated May 17, 1994.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed

in the RECORD, together with Secretary Brown's transmittal letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Benefits Income Verification Amendments of 1994".

SEC. 2. RELAXATION OF MANDATORY ELIGIBILITY VERIFICATION REPORTING REQUIREMENTS.

(a) DEPENDENCY AND INDEMNITY COMPENSATION FOR PARENTS.—Section 1315(e) of title 38, United States Code, is amended—

(1) in the first sentence—

(A) by striking out "shall" and inserting in lieu thereof "may"; and

(B) by striking out "each year" and inserting in lieu thereof "for a calendar year"; and

(2) in the second sentence—

(A) by striking out "revised"; and

(B) by striking out "the estimated".

(b) PENSION.—Section 1506 of such title is amended—

(1) in paragraph (2)—

(A) by striking out "shall" and inserting in lieu thereof "may"; and

(B) by striking out "each year" and inserting in lieu thereof "for a calendar year"; and

(2) in paragraph (3)—

(A) by striking out "estimated" each time it appears; and

(B) by striking out "such applicant's or recipient's estimate of".

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, May 17, 1994.

Hon. ALBERT GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill entitled the "Veterans' Benefits Income Verification Amendments of 1994." I request that this bill be referred to the appropriate committee for prompt consideration and enactment.

The draft bill would eliminate the current mandatory requirement that all recipients of pension or parents' dependency and indemnity compensation (DIC) submit to the Department of Veterans Affairs (VA) annually an eligibility verification report (EVR) providing information on their income and net worth. Instead, the draft bill would give VA discretionary authority to require such reports where necessary to determine eligibility. The Draft bill would specify that such reports are to be submitted on a calendar-year basis.

A majority of the veterans and surviving spouses who receive VA pension either have no other income or have no other income except Social Security benefits. An analysis performed in July 1992 indicated that, of 939,151 veterans and surviving spouses on the pension rolls at that time, 197,611 had no other source of income and 518,576 had only Social Security income in addition to VA pension. Thus, only 222,964 (approximately 24 percent) of those sampled had income other than VA pension and Social Security benefits. Although a similar analysis was not performed with regard to the recipients of parents' DIC, we would anticipate that a study of that group could yield similar results.

VA currently has in place computer-matching programs with both the Social Security Administration and the Internal Revenue Service which assist VA in verifying the income of recipients of need-based benefits administered by this Department. The information gathered under these matching programs is sufficient to warrant suspension of the requirement of annual EVR's in many cases.

If given this authority, VA would develop criteria for exemptions that are consistent with the need to maintain program integrity, and implement the policy through notice-and-comment rulemaking so that veterans service organizations and other interested parties would have an opportunity to comment on the policy.

VA's Compensation and Pension (C&P) Service projects that, under current statutory requirements, approximately 321 full-time equivalent employees (FTEE) will be required to process EVR's in fiscal year 1994. Once the final regulations implementing the exemptions for reporting are in place, the FTEE necessary to process EVR's will decrease.

Implementation of this proposal would also have a beneficial impact on other regional office operations. VA mail rooms would be required to handle fewer EVR's, and the Veterans Services Divisions would receive fewer visits and telephone calls requesting assistance in completing EVR's. In addition, the contemplated reduction in pending C&P claims would decrease the number of status inquiries received by VA, thus further increasing efficiency of operations. Further, the reduced volume of EVR's would allow conversion to a system in which EVR's would be submitted on a calendar-year basis, thereby providing increased convenience to beneficiaries.

VA would keep all beneficiaries advised of the requirement to report any changes in income or other matters which might affect benefit entitlement. For each beneficiary who would not receive an EVR as a result of this change, VA intends to advise the beneficiary by letter of his or her legal obligation in this regard and provide information on how to file a report concerning any change in income. It is anticipated that this action, together with continued use of computer-match information to verify entitlement, should ensure that no increase in payments to ineligible claimants will result from the proposed amendment. Thus, enactment of this proposal would reduce administrative costs and result in no increase in benefit costs.

We urge that the Senate promptly consider and pass this legislative item.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

JESSE BROWN.

By Mr. ROBB (for himself and Mr. WARNER):

S. 2280. A bill to provide for an orderly process to ensure compensation for the termination of an easement or the taking of real property used for public utility purposes at the Manassas National Battlefield Park, VA, and for other purposes; to the Committee on Energy and Natural Resources.

THE MANASSAS NATIONAL BATTLEFIELD PARK AMENDMENT OF 1994

Mr. ROBB. Mr. President, today I would like to introduce legislation, known as the Manassas National Battlefield Park Amendments of 1994, which makes a technical correction to the Manassas National Battlefield Park Amendments of 1988.

This legislation is necessary to avoid expensive litigation.

Both Virginia Power and the National Park Service support passage of this bill because it will provide the necessary time to complete the required public reviews, which could take substantial time beyond November 1994. Should the statute of limitations not be extended, it will be necessary for Virginia Power to prepare and file legal action before November 10, 1994 to preserve their rights under the fifth amendment.

In 1988, Congress passed the Manassas National Battlefield Park Amendments of 1988 which instituted a legislative taking of land in Manassas, VA for the purposes of adding to it the park. When the Government acquired the land at Manassas, it also acquired some electric power lines owned by Virginia Power. These lines and towers are an integral part of Virginia Power's transmission system, serving customers in northern Virginia and south into North Carolina and interconnecting with utilities in other parts of the northeast.

Unfortunately, Virginia Power has not yet been compensated by the Government for the value of the condemned property which is estimated at $50 to $60 million.

This legislation, cosponsored by the distinguished senior Senator from Virginia, Senator WARNER, would provide for an orderly process to ensure compensation for the termination of the easement or the taking of real property used for public utility purposes at the Manassas National Battlefield Park. It is the companion to H.R. 4435, sponsored by Representative WOLF in the House of Representatives.

Virginia Power and the Park Service have worked together and arrived at a tentative agreement regarding this situation. Virginia Power and the National Park Service staff have concentrated on identifying a suitable route to relocate the transmission lines. This has involved preparation of an Environmental Assessment by the National Park Service, preparation of a Virginia State Corporation Commission application by Virginia Power and meetings with the public.

In order to protect the historic resource of the historic park, these parties have agreed to move the power lines about 400 feet to the perimeter of the park. The Park Service would grant Virginia Power an easement for the lines.

This legislation would alleviate the need and costs of litigation—which could affect taxpayers and Vepco ratepayers. In addition, this legislation would allow Virginia Power and the National Park Service to continue to work together to complete this project

in an orderly and cost-effective fashion.

By Mr. KERRY:

S. 2282. A bill to amend title V of the Trade Act of 1974 to provide incentives for developing countries to develop and implement strong environmental protection programs, and for other purposes; to the Committee on Finance.

THE SUSTAINABLE DEVELOPMENT THROUGH TRADE ACT OF 1994

• Mr. KERRY. Mr. President, I am proud today to introduce a bill with which I hope to promote the dual interests of free trade and environmental protection, the Sustainable Development Through Trade Act of 1994. This bill proposes modifications to the United States' Generalized System of Preferences program. It would give the President tools with which to expand trade with developing countries which take strong steps to protect their environmental resources.

Mr. President, the Generalized System of Preferences program, or GSP, is the most important program governing U.S. trade with developing countries. Through it, the U.S. grants preferential treatment to certain developing country exports. Clearly, GSP is a potentially powerful tool for promoting sustainable development worldwide. Unfortunately, today GSP is failing to meet this potential for two reasons.

First, GSP does not include any mechanisms for encouraging countries which receive GSP benefits to protect the environment. This is true despite the fact that promoting sustainable development is a declared U.S. foreign policy objective. For example, Brazil and Indonesia are only two of the 132 countries which benefited from GSP in 1991. That year, they garnered 12 percent of all GSP benefits. Brazil and Indonesia harbor important environmental resources. Specifically, they are home to nearly 40 percent of the world's remaining rainforests. Both countries are clearing their rainforests for timber production and agricultural expansion at alarming rates. Besides the environmental importance of these rainforests, they also contain a wealth of biological treasures which the biotechnology industry has only begun to explore.

My proposal would allow the President to encourage countries like Brazil and Indonesia to protect environmental resources in exchange for GSP benefits.

A second concern with today's GSP program is that it provides virtually no benefits for many of the developing countries it was designed to assist. In 1991, less than 1 cent of every GSP dollar went to the world's 40 least-developed countries. This is ironic, since, according to several international agreements, such countries are supposed to enjoy special status under GSP.

Moreover, the vast majority of least-developed countries are in Sub-Saharan Africa, a region plagued by chronic economic crises exacerbated by negative trade balances. Last month AID Administrator Brian Atwood and Representative TONY HALL, chairman of the Congressional Hunger Caucus, led a Presidential mission to Rwanda and about 10 other countries in Africa. They concluded that if the United States wants to help avoid future Rwandas—and Somalias and Ethiopias—it must do more to promote long-term development in that region.

Thus, my proposal would expand GSP benefits for least-developed countries in Africa.

I should note that, although I support extension and reform of the GSP program, the Sustainable Development Through Trade Act does not include an extension of GSP. My intent in introducing this legislation is to propose language which I hope would be included in a comprehensive GSP extension and reform bill.

I urge my colleagues to support the goals of the Sustainable Development Through Trade Act of 1994 and to work to include its provisions in any GSP legislation that passes this body.

I urge my colleagues to support passage of the Sustainable Development Through Trade Act of 1994.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sustainable Development Through Trade Act of 1994".

SECTION 2. ENVIRONMENTAL PROTECTION INCENTIVES.

(a) WAIVER FOR ENVIRONMENTAL PROTECTION ACTION.—Section 504(c)(3) of the Trade Act of 1974 (19 U.S.C. 2464(c)(3)) is amended—

(1) in subparagraph (A) by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) is advised by the Administrator of the Environmental Protection Agency, the Administrator of the National Oceanic and Atmospheric Administration, and the Secretary of the Interior, that the beneficiary developing country is taking action to protect environmental resources, including ecosystems, that have environmental, economic, or national security significance for the United States."; and

(2) in subparagraph (B), by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", and", and by adding at the end the following new clause:

"(iii) the extent to which such country is taking action to protect environmental resources, including ecosystems, that have environmental, economic, or national security significance for the United States.".

(b) LEAST-DEVELOPED COUNTRIES.—Section 503 of the Trade Act of 1974 (19 U.S.C. 2463) is amended by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of law, the President may designate any article that is the growth, product, or manufacture of a least-developed beneficiary developing country as an eligible article under subsection (a), unless the President determines that such article is an import-sensitive article in the context of imports from such least-developed beneficiary developing country.".•

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the names of the Senator from California [Mrs. FEINSTEIN] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 359, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 1415

At the request of Mr. PRYOR, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1415, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 1690

At the request of Mr. PRYOR, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1690, a bill to amend the Internal Revenue Code of 1986 to reform the rules regarding subchapter S corporations.

S. 1956

At the request of Mr. SHELBY, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1956, a bill to amend the Consumer Credit Protection Act to improve disclosures made to consumers who enter into rental-purchase transactions, to set standards for collection practices, and for other purposes.

S. 1962

At the request of Mr. DODD, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1962, a bill to provide for demonstration projects in 6 States to establish or improve a system of assured minimum child support payments.

S. 1976

At the request of Mr. DODD, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1976, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the

implied private action provisions of the Act.

S. 2007

At the request of Mr. WOFFORD, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 2007, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the end of World War II and Gen. George C. Marshall's service therein.

S. 2062

At the request of Mr. INOUYE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 2062, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit the movement in interstate commerce of meat and meat food products and poultry products that satisfy State inspection requirements that are at least equal to Federal inspection standards, and for other purposes.

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the names of the Senator from Florida [Mr. MACK], the Senator from Delaware [Mr. ROTH], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

SENATE JOINT RESOLUTION 185

At the request of Mr. D'AMATO, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of Senate Joint Resolution 185, a joint resolution to designate October 1994 as "National Breast Cancer Awareness Month."

SENATE JOINT RESOLUTION 198

At the request of Mr. PRYOR, the names of the Senator from Tennessee [Mr. SASSER], the Senator from New Jersey [Mr. BRADLEY], the Senator from Virginia [Mr. WARNER], the Senator from Washington [Mr. GORTON], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Texas [Mrs. HUTCHISON], the Senator from Maine [Mr. COHEN], the Senator from Idaho [Mr. CRAIG], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Florida [Mr. GRAHAM], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Texas [Mr. GRAMM], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of Senate Joint Resolution 198, a joint resolution designating 1995 as the "Year of the Grandparent."

SENATE JOINT RESOLUTION 206

At the request of Mr. WOFFORD, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Joint Resolution 206, a joint resolution designating September 17, 1994, as "Constitution Day."

SENATE RESOLUTION 241—TO AMEND RULE XVI OF THE STANDING RULES OF THE SENATE

Mr. BYRD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 241

Resolved, That paragraph 4 of rule XVI of the Standing Rules of the Senate is amended by—

(1) inserting "as passed by the House or as reported to the Senate," after "contained in the bill";

(2) striking "relevancy of amendments under this rule" and inserting "relevancy or germaneness of amendments under this paragraph";

(3) striking "submitted to the Senate and be decided without debate" and inserting "ruled on by the chair";

(4) inserting "(a)" after "4."; and

(5) adding at the end thereof the following:

"(b)(1) An affirmative vote of three-fifths of the Senators, duly chosen and sworn, shall be required to overturn a ruling of the Chair regarding questions of germaneness, relevancy, or legislation under this paragraph.

"(2) This paragraph may be waived with respect to an amendment by the affirmative vote of three-fifths of the Senators, duly chosen and sworn.".

SENATE RESOLUTION 242—RELATIVE TO FEDERAL FIREFIGHTERS

Mr. CAMPBELL (for himself, Mr. BAUCUS, Mr. JOHNSTON, Mr. REID, Mr. BRYAN, Mr. BINGAMAN, Mr. DECONCINI, Mr. BURNS, Mr. PACKWOOD, Ms. MIKULSKI, Mr. BUMPERS, Mr. DASCHLE, Mr. CRAIG, Mr. MATHEWS, Mr. BROWN, Mr. DORGAN, Mr. BIDEN, Mr. HATFIELD, Mr. KEMPTHORNE, Mr. DOLE, and Mr. STEVENS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 242

Whereas on July 6, 1994, 14 Federal firefighters from the United States Forest Service and the Bureau of Land Management perished while heroically fighting a raging wildfire on Storm King Mountain near Glenwood Springs, Colorado;

Whereas the firefighters died when they were overswept by a wildfire whipped by high and erratic winds;

Whereas the 14 firefighters who gave their lives were Kathi J. Beck, hot shot crewmember, Prineville, Oregon, Tamara J. Bickett, hot shot crewmember, Prineville, Oregon, Scott A. Blecha, hot shot crewmember, Prineville, Oregon, Levi Brinkley, hot shot crewmember, Prineville, Oregon, Robert Browning, helitack, Grand Junction, Colorado, Douglas Dunbar, hot shot crewmember, Prineville, Oregon, Terri A. Hagen, hot shot crewmember, Prineville, Oregon, Bonnie J. Holtby, hot shot crewmember, Prineville, Oregon, Robert A. Johnson, hot shot crewmember, Prineville, Oregon, Jon R. Kelso, hot shot squad leader, Prineville, Oregon, Donald Mackey, smokejumper, Missoula, Montana, Roger Roth, smokejumper, McCall, Idaho, James Thrash, smokejumper, McCall, Idaho, and Richard Tyler, helitack, Grand Junction, Colorado; and

Whereas these brave men and women gave their lives in an attempt to protect American lives, property, and natural resources: Now, therefore, be it

Resolved, That the Senate honors, and will always remember, the 14 Federal firefighters who died on July 6, 1994, for their heroic efforts in trying to contain a fire on Storm King Mountain near Glenwood Springs, Colorado, in order to protect American lives, property, and natural resources.

Mr. CAMPBELL. Mr. President, last week, while we and millions of other Americans were celebrating the Nation's 218th birthday on the 4th of July, a wisp of smoke was detected on Storm King Mountain just west of Glenwood Springs, in my State of Colorado. At the time, many of the residents of Colorado's Western Slope were concerned about the small fire, but confident that land management agencies would deal with it, as they were dealing with the many other wildfires already burning around the hot, dry West.

Summer wildfires are not new to us westerners. We know that when a column of smoke is spotted, often by someone manning a remote fire lookout high atop some mountain, that young men and women, clad in their trademark yellow fire shirts, will always respond. We often see these people, hard at work with their shovels, pulaskis, hoses, and chain saws on steep mountain slopes, protecting life, property, and natural resources all over the West. Every summer, Americans watching television news programs see such ground crews, along with spectacular shots of air-tankers and helicopters dropping water and retardant on fires somewhere in the West.

The 52 men and women responding to that column of smoke on Storm King Mountain were among the best of the best Federal firefighters; they included smokejumpers, helitack and hotshots crews. These are crews that have developed a well-deserved reputation of doing their job exceptionally well, and, considering the risk of the profession, have a tremendously good safety record. Maybe that is why we were all so unprepared for what went so terribly wrong last week.

It was last Wednesday afternoon, the 6th of July, when these 52 firefighters were trying to contain the blaze, that high winds struck the area, whipping a small fire into a fire storm. Many of these brave young people found themselves trapped, their planned escape

routes blocked by sheets of flame. When the blowup, as firefighters commonly call it, was over, 14 people were unaccounted for. As officials began searching for the individuals who did not come out, they began to recognize that there was a terrible tragedy in the making and, in minutes, Storm King became "fire king."

Fourteen firefighters perished on the South Canyon fire that afternoon. Several others were injured. I believe it is appropriate that the Senate honor the brave men and women, who were employees of the U.S. Forest Service and Bureau of Land Management, who gave their lives that day. They were: Kathi J. Beck, Tamara J. Bickett, Scott A. Blecha, Levi Brinkley, Robert Browning, Douglas Dunbar, Terri A. Hagen, Bonnie J. Holtby, Robert A. Johnson, Jon R. Kelso, Donald Mackey, Roger Roth, James Thrash, and Richard Tyler.

We are tremendously grateful to these people for what they were trying to do in protecting the lives, property, and resources of Colorado citizens. Our hearts go out to their surviving comrades, family, and freinds. We will always remember their heroism.

Today I am submitting a commemorative resolution recognizing their sacrifice. I encourage my colleagues to join me, and the citizens of Colorado, as original cosponsors to show their respect by supporting this resolution.

• Mr. BURNS. Mr. President, as we pause to honor these brave Americans, I would like to pay tribute to Don Mackey, a smokejumper from Hamilton, MT, who died while trying to save the lives of others.

Quentin Rhoades, a Montana firefighter who survived the fire reported that Don Mackey saved Rhoades' life and the life of seven other smoke jumpers. It was only when Mackey returned to the fire trying to save more lives that he lost his own. "If (Mackey) would have stayed with us, he would have lived," Rhoades said.

Mr. President, Montana is experienced with the tragedies wildfires bring. The Mann Gulch fire of 1949 was a wildfire with disturbing similarities to the one on Storm King Mountain 1 week ago. Mr. President, on behalf of Montanans who are all too familiar with the horrible destruction these wildfires can cause, I would like to pay tribute to Don Mackey and the other brave firefighters who lost their lives in the Storm King Mountain fire on July 6, 1994.•

• Mr. PACKWOOD. Mr. President, nine Federal firefighters came home to Oregon yesterday.

Usually such a homecoming would be a normal and happy turn of events, unmarked and unnoticed except for their immediate family and close friends who knew they were off battling yet another big fire to save the lives, livestock, and property of strangers.

But this homecoming was marked by immense grief, for these firefighters were killed when they were overswept by a wildfire whipped by high and erratic winds on a Colorado mountainside. They came home in a DC–3, wrapped in an American flag.

These firefighters were typical hardworking, self-sacrificing Oregonians, many of whom hail from small communities. They were, by and large, young, which makes it doubly hard to accept their loss. My heartfelt condolences go out to their families and friends, and to their hometowns.

Today I cosponsored a resolution to honor all 14 of the Federal firefighters who were caught in that devastating blaze near Glenwood Springs, CO. These men and women gave their lives in a successful effort to protect the lives and property of other Americans, and our natural resources. They are heroes and should be recognized as such.•

• Mr. BROWN. Mr. President, last week, we in Colorado were reminded that nature is a powerful force. Fires in nearly a dozen separate sites, most started by lightening strikes, ravaged the mountainous terrain of western Colorado.

Even more unfortunate than the burning of thousands of acres of America's most beautiful countryside, was the tragic loss of 14 firefighters. By all accounts, the fire erupted as high winds accompanying a cold front blew into the canyon where 52 firefighters were battling a 50-acre fire. Strong winds typically herald the arrival of a front. But the usually predictable winds of 20 to 30 miles per hour high in the sky may have accelerated to 40 to 50 miles per hour on the ground. Within hours, the fire erupted from 50 acres to 2,200. In moments, the fire topped the ridge, blown from behind. Then fierce crosswinds forced the flames back down onto the firefighters.

The crews split up and sprinted through the thin 7,000-foot air for the prearranged escape routes; 38 made it. Of the 14 who died, 9, 5 men and 4 women, were part of a hot shot crew based in Prineville, OR. It is my hope that Senators HATFIELD and PACKWOOD will help me in extending the sympathy and the thanks of all Coloradans to this community and the families of these brave men and women.

I also take this opportunity to offer words of commendation and comfort to the family of Richard Tyler of Palisades, CO. There is no higher service than a sacrifice for your own State and community. Richard Tyler's sacrifice was much greater than that usually asked of Colorado citizens.

I commend Secretaries Espy and Babbitt for initiating a board of inquiry into the incident which led to this tragic loss of life. These individuals lost their lives protecting the beauty that is Colorado, and the homes of Coloradans who enjoy this majesty. We must have the facts, so that never again will we place our firefighters in a position that leads to such an excessive loss of life.

In Glenwood Springs, CO, a city that was threatened by the same fire that took these brave individuals lives, the citizens are raising funds to erect a memorial to their sacrifice. Long after the grass and seedlings erase the horror of last week, those who live in this Colorado community will remember.

Again, I take this opportunity to share my sympathy with the families of those who sacrificed their lives to halt the wildfires in Colorado. Their bravery and sacrifice will not be forgotten quickly by those whose homes were at risk.•

AMENDMENTS SUBMITTED

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1995

LEAHY AMENDMENT NO. 2238

Mr. LEAHY proposed an amendment to the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995; and follows:

On page 89, line 12 of the Committee reported bill, strike "in" and all that follows through "Act" on line 16 and insert in lieu thereof: "notwithstanding any other provision of law".

On page 99, line 11 of the Committee reported bill, after "country." insert: "The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961."

On page 10, line 1 of the Committee reported bill, after the word "activities" insert: "notwithstanding any other provision of law".

THURMOND (AND OTHERS) AMENDMENT NO. 2239

Mr. THURMOND (for himself, Mr. PRESSLER, Mr. HELMS, and Mr. CRAIG) proposed an amendment to the bill H.R. 4426, supra; as follows:

To the first committee amendment, at the end of the amendment insert the following:

SEC. . SENSE OF THE SENATE ON URUGUAY ROUND IMPLEMENTATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) the United States recently signed the Uruguay Round Agreement which included among its provisions the establishment of a new supranational governing body known as the World Trade Organization (hereafter in this section referred to as the "WTO").

(2) The legislation approving fast track authority and giving the executive branch negotiators specific objectives did not authorize the elimination of the current General Agreement on Tariffs and Trade structure and the creation of a new, more powerful world-governing institution.

(3) The Congress has the constitutional prerogative to regulate foreign commerce

and may be ceding such authority to the WTO.

(4) The initial membership of the WTO is 117 nations. The United States will have only one vote and no veto rights in the WTO.

(5) The single vote structure will give the European Union the capacity to out vote the United States 12 to 1. It will also give the island nation of St. Kitts, with a population of 60,000, the same voting power as the United States.

(6) The United States will have less than 1 percent of the total vote, but will be assessed almost 20 percent of the total cost of operating the WTO.

(7) The one vote-no veto structure of the WTO will increase the power of nations, which are not democracies and do not share our Nation's traditional notions of capitalism and freedom.

(8) Any United States law can be challenged by a WTO member as an illegal trade barrier and such challenge will be heard by a closed tribunal of 3 trade lawyers.

(9) The United States must eliminate any law that a WTO tribunal finds to be in conflict with the trade rules of the WTO or the United States will face severe trade sanctions.

(10) The WTO would effectively set the parameters within which United States Federal, State, and local legislators can maintain or establish domestic policy on the broad array of issues covered under the nontariff provisions of the WTO.

(11) State officials have no standing before WTO tribunals even if a State law is challenged as an illegal trade barrier.

(12) The WTO would require the United States Federal Government to preempt, sue, or otherwise coerce States into following the WTO trade rules which the States did not negotiate and to which they are not a legal party.

(13) The Attorneys General from 42 States have signed a letter to the President expressing their concern over States rights under the WTO and have asked for a summit to discuss these issues.

(14) WTO decisions could result in shifts in State and local tax burdens from foreign multi-national corporations to American businesses, farmers, and homeowners.

(15) Under pay-as-you-go budget rules, the revenue losses from tariff reductions must be offset over a 10-year period.

(16) The Congressional Budget Office has estimated that such tariff reductions will cost approximately $40,000,000,000.

(17) When the United States joined other supranational governing bodies, the United States retained rational precautions, such as a permanent seat on the Security Council and veto rights in the United Nations, and a voting share in the International Monetary Fund that is commensurate with its role in the global economy.

(18) The WTO Agreement prohibits unilateral action by the United States including action against predatory and unfair trade actions of other member nations.

(19) The dispute settlement mechanisms to be used by the WTO will be conducted in secret and in a manner that is not consistent with the guarantees of judicial impartiality and due process which characterize the United States judicial tradition.

(20) The WTO Agreement is already resulting in substantial changes and erosion of existing United States law.

(21) Neither the United States Congress nor the American people have had an opportunity to analyze and debate the long-term impact of United States membership in the WTO.

(22) Traditionally the United States has entered into international obligations that impact on domestic sovereignty and law and that have the legal statute and permanence that the WTO has, by using treaty ratification procedures.

(23) The United States Senate rejected, on sovereignty grounds, executive branch attempts to secure ratification of a similar supranational organization known as the International Trade Organization when it was offered repeatedly between 1947 and 1950. The Organization for Trade Cooperation was rejected by the Senate in 1955.

(24) Under the rules of fast track, the United States Senate cannot change or amend provisions creating the WTO and is limited to 20 hours of debate.

(b) POLICY.—It is the policy of the Senate that—

(1) a task force composed of members of Congress and the executive branch be established to study and report to the Congress and the President within 90 days on whether the provisions creating the World Trade Organization should be treated as a treaty or an executive agreement, and

(2) a 90-day period be allowed before the introduction of the Uruguay Round implementation legislation and that during that period additional Congressional hearings be held to consider the full ramifications of the United States joining the WTO, including the impact that joining the WTO will have on State and local laws.

McCONNELL (AND OTHERS) AMENDMENT NO. 2240

Mr. McCONNELL (for himself, Mr. McCAIN, Mr. D'AMATO, Mr. DOLE, Mr. HELMS, Mr. LAUTENBERG, Mr. DECONCINI, and Mr. BYRD) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of the committee amendment on page 2, add the following:

"SEC. . (a) RESTRICTION.—None of the funds appropriated or otherwise made available by this Act may be obligated for assistance for the Government of Russia after August 31, 1994 unless all armed forces of Russia and the Commonwealth of Independent States have been removed from all Baltic countries or that the status of those armed forces have been otherwise resolved by mutual agreement of the parties.

"(b) Subsection (a) does not apply to assistance that involves the provision of student exchange programs, food, clothing, medicine or other humanitarian assistance or to housing assistance for officers of the armed forces of Russia or the Commonwealth of Independent States who are removed from the territory of Estonia, Latvia, Lithuania, or countries other than Russia.

"(c) Subsection (a) does not apply if after August 31, 1994, the President determines that the provision of funds to the government of Russia is in the national security interest.

"(d) Section 568 of this Act is null and void."

DOLE (AND LEVIN) AMENDMENT NO. 2241

Mr. DOLE (for himself and Mr. LEVIN) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 23, line 21, delete "(m)" and insert the following new subsection:

(m) Not less than $5 million of the funds appropriated under this heading shall be made available for the capitalization of a Trans-Caucasus Enterprise Fund.

DOLE (AND LIEBERMAN) AMENDMENTS NOS. 2242–2244

Mr. DOLE (for himself and Mr. LIEBERMAN) submitted three amendments to the bill H.R. 4426, supra; as follows:

AMENDMENT NO. 2242

On page 112, between lines 9 and 10, insert the following new section:

SEC. . HUMANITARIAN ASSISTANCE FOR BOSNIA AND HERZEGOVINA.

Of the funds appropriated by this Act, not less than $5,000,000 shall be available only for medical equipment, medical supplies, and medicine to Bosnia and Herzegovina, and for the repair and reconstruction of hospitals, clinics, and medical facilities in Bosnia and Herzegovina.

AMENDMENT NO. 2243

On page 112, between lines 9 and 10, insert the following new section:

SEC. . EMERGENCY PROJECTS IN BOSNIA AND HERZEGOVINA.

Of the funds appropriated by this Act, not less than $10,000,000 shall be available only for emergency winterization and rehabilitation projects and for the reestablishment of essential services in Bosnia and Herzegovina.

AMENDMENT NO. 2244

On page 72, line 23, insert ", Serbia, and Montenegro" after "Iraq".

On page 73, line 11, insert ", Serbia, or Montenegro" after "Iraq".

On page 73, line 17, insert ", Serbia, or Montenegro, as the case may be," after "Iraq".

On page 73, line 19, insert ", Serbia, or Montenegro, as the case may be" after "Iraq".

DOLE (AND OTHERS) AMENDMENT NO. 2245

Mr. DOLE (for himself, Mr. WARNER, Mr. HELMS, and Mr. McCAIN) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 112, between lines 9 and 10, insert the following new section:

SEC. . CONGRESSIONAL COMMISSION ON HAITI POLICY.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the American people support a peaceful transition to a democratic and representative government in Haiti;

(2) Haiti's elected President who is in exile and the de facto ruling junta in Haiti have reached an impasse in their negotiations for the reinstitution of civilian government;

(3) the extensive economic sanctions imposed by the United Nations and United States against the de facto rulers are causing grave harm to innocent Haitians;

(4) private businesses and other sources of employment are being shut down, and the continuation of the comprehensive economic sanctions are causing massive starvation, the spread of disease at epidemic proportions, and widespread environmental degradation; and

(5) an armed invasion of Haiti by forces of the United States, the United Nations, and the Organization of American States would endanger the lives of troops sent to Haiti as

well as thousands of Haitians, especially civilians.

(b) ESTABLISHMENT AND DUTIES.—(1) There is established a congressional commission which shall be known as the Commission on Haiti Policy (in this section referred to as the "Commission").

(2) It shall be the duty of the Commission—

(A) to assess the humanitarian, political, and diplomatic conditions in Haiti; and

(B) to submit to the Congress the report described in subsection (d).

(3) In carrying out its duties, the Commission shall call upon recognized experts on Haiti and Haitian culture, as well as experts on health and social welfare, political institution building, and diplomatic processes and negotiations.

(c) COMPOSITION OF COMMISSION.—The Commission shall consist of the following Members of Congress (or their designees):

(1) The Majority Leader of the Senate.

(2) The Minority Leader of the Senate.

(3) The chairman and the ranking Member of the following committees of the Senate:

(A) The Committee on Appropriations.

(B) The Committee on Foreign Relations.

(C) The Select Committee on Intelligence.

(D) The Committee on Armed Services.

(4) The Speaker of the House of Representatives.

(5) The Minority Leader of the House of Representatives.

(6) The chairman and ranking Member of the following committees of the House of Representatives:

(A) The Committee on Appropriations.

(B) The Committee on Foreign Affairs.

(C) The Permanent Select Committee on Intelligence.

(D) The Committee on Armed Services.

(d) REPORT OF COMMISSION.—Not later than 45 days after enactment of this Act, the Commission shall submit to the Congress a report on the Commission's analysis and assessment of conditions in Haiti and, if appropriate, analysis and assessment of appropriate policy options available to the United States with respect to Haiti.

SIMON (AND JEFFORDS) AMENDMENT NO. 2246

Mr. SIMON (for himself and Mr. JEFFORDS) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 112, between lines 9 and 10, insert the following new section:

POVERTY REDUCTION EMPHASIS FOR DEVELOPMENT ASSISTANCE

SEC. . (a) Of the total amount of funds appropriated by this Act to carry out chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, a substantial percentage of the funds shall be available only to finance programs, projects, and activities that directly improve the lives of the poor, with special emphasis on those individuals living in absolute poverty.

(b) It is the sense of Congress that the President, in carrying out this section, should—

(1) promulgate appropriate standards for identifying those populations living in poverty;

(2) establish a program performance, monitoring, and evaluation capacity within the Agency for International Development that will develop and prepare, in consultation with both local and international nongovernmental organizations, appropriate indicators, and criteria for monitoring and evaluation of progress toward poverty reduction; and

(3) take steps necessary to increase the direct involvement of the poor in project design, implementation and evaluation, including increasing opportunities for direct funding of local nongovernmental organizations serving these populations, and other local capacity-building measures.

(c) The Congress urges the President, not later than April 1, 1995, to submit to the Congress a report setting forth the progress made in carrying out this section.

BROWN AMENDMENT NO. 2247

Mr. MCCONNELL (for Mr. BROWN) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 7, lines 7 and 8, strike "$382,000,000: *Provided,*" and insert "$273,000,000: *Provided,* That not to exceed $12,000,000 of the funds appropriated under this heading shall be made available for the United Nations Development Program: *Provided further,*".

BROWN (AND OTHERS) AMENDMENT NO 2248

Mr. MCCONNELL for Mr. BROWN (for himself, Mr. SIMON, Mr. ROTH, Ms. MIKULSKI, Mr. DOLE, and Mr. DOMENICI) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of the Committee amendment which ends on line 21 of page 2 of the bill, add the following new section:

SEC. . ADDITIONAL COUNTRIES ELIGIBLE FOR PARTICIPATION IN ALLIED DEFENSE COOPERATION.

(a) SHORT TITLE.—This section may be cited as the "NATO Participation Act".

(b) TRANSFER OF EXCESS DEFENSE ARTICLES.—The President may transfer excess defense articles under section 516 of the Foreign Assistance Act of 1961, or under the Arms Export Control Act to Poland, Hungary, and the Czech Republic.

(c) LEASES AND LOANS OF MAJOR DEFENSE EQUIPMENT AND OTHER DEFENSE ARTICLES.—Section 63(a)(2) of the Arms Export Control Act (22 U.S.C. 2796b) is amended by striking "or New Zealand" and inserting "New Zealand, Poland, Hungary, or the Czech Republic".

(d) LOAN MATERIALS, SUPPLIES, AND EQUIPMENT FOR RESEARCH AND DEVELOPMENT PURPOSES.—Section 65(d) of the Arms Export Control Act (22 U.S.C. 2796d(d)) is amended—

(1) by striking "or" after "United States)" and inserting a comma; and

(2) by inserting before the period at the end of the following: ", Poland, Hungary, or the Czech Republic".

(e) COOPERATIVE MILITARY AIRLIFT AGREEMENTS.—Section 2350c(e)(1)(B) of title 10, United Stated Code, is amended by striking "and the Republic of Korea" and inserting "the Republic of Korea, Poland, Hungary, and the Czech Republic".

(f) PROCUREMENT OF COMMUNICATIONS SUPPORT AND RELATED SUPPLIES AND SERVICES.—Section 2350f(d)(1)(B) is amended by striking "or the Republic of Korea" and inserting "the Republic of Korea, Poland, Hungary, or the Czech Republic".

(g) STANDARDIZATION OF EQUIPMENT WITH NORTH ATLANTIC TREATY ORGANIZATION MEMBERS.—Section 2457 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) It is the sense of the Congress that in the interest of maintaining stability and promoting democracy in Eastern Europe, Poland, Hungary, and the Czech Republic, those countries should, on and after the date of enactment of this subsection, be included in all activities under this section related to the increased standardization and enhanced interoperability of equipment and weapons systems, through coordinated training and procurement activities, as well as other means, undertaken by the North Atlantic Treaty Organization members and other allied countries."

(h) INCLUSION OF OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The President should recommend legislation to the Congress making eligible under the provisions of law amended by this section such other European countries emerging from communist domination as the President may determine if such countries—

(1) have made significant progress toward establishing democratic institutions, free market economies, civilian control of their armed forces, and the rule of law; and

(2) are likely, within 5 years of such determination, to be in a position to further the principles of the North Atlantic treaty and to contribute to the security of the North Atlantic area.

BROWN AMENDMENTS NOS. 2249–2251

Mr. MCCONNELL (for Mr. BROWN) proposed three amendments to the bill H.R. 4426, supra; as follows:

AMENDMENT NO. 2249

On page 3, line 12 strike "$1,207,750,000" and insert "$1,024,332,000."

AMENDMENT NO. 2250

On page 3, line 6, strike $98,800,000, insert $30,000,000 and on page 105, line 16, insert the following:

"(c) Funds appropriated by Title I of the Act under the heading "Limitation on Callable Capital Subscriptions" shall be available for payment to the IBRD for the Global Environmental Facility (GEF) as follows:

(1) 50 percent of the funds appropriated under such heading shall be made available prior to April 1, 1995 only if the Secretary of the Treasury makes the determination and so reports to the Committee on Appropriations as described in paragraph (3) of this subsection.

(2) 50 percent of the funds appropriated under such heading shall be made available on or after April 1, 1995 only if the Secretary of the Treasury makes the determination and so reports to the Committee on Appropriations as described in paragraph (3) of this subsection.

(3) The determinations referred to in paragraphs (1) and (2) are determinations that the GEF has

(i) established clear procedures ensuring public availability of documentary information on all GEF projects and associated projects of the GEF implementing agencies.

(ii) established clear procedures ensuring that affected peoples in recipient countries are consulted on identification, preparation and implementation of GEF projects.

AMENDMENT NO. 2251

At the end of the bill insert the following—

"SEC. 576. LIMITATION ON USE OF FUNDS FOR CONTRIBUTION TO THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY.

(a) LIMITATION.—Not more than $20,000,000 of the amount appropriated under Title I under the heading "CONTRIBUTION TO THE ENHANCED STRUCTURAL ADJUSTMENT

FACILITY OF THE INTERNATIONAL MONETARY FUND" shall be available until the Bipartisan Commission described in subsection (b) submits the report described in subsection (c).

(b) BIPARTISAN COMMISSION.—There shall be established a bipartisan Commission whose members shall be appointed within two months of enactment of this Act to conduct a complete review of the salaries and benefits of World Bank and International Monetary Fund employees and their families. The Commission shall be composed of:

(i) 1 member appointed by the President;

(ii) 1 member appointed by the Speaker of the House of Representatives;

(iii) 1 member appointed by the Minority Leader of the House of Representatives;

(iv) 1 member appointed by the Majority Leader of the Senate;

(v) 1 member appointed by the Minority Leader of the Senate;

(vi) Staff members—The U.S. Agency for International Development shall provide funding for the hire of outside experts and shall provide expert AID staff members to the Commission as necessary.

(c) COVERED REPORT.—Within six months after appointment, the Commission shall submit a report to the President, the Speaker of the House of Representatives and the Chairman of the Senate Foreign Relations Committee which includes the following:

(i) a review of the existing salary paid and benefits received by the employees of the World Bank and the IMF;

(ii) a review of all benefits paid by the World Bank and the IMF to family members and dependents of the employees of the World Bank and the IMF;

(iii) a review of all salary and benefits paid to employees and dependents of the World Bank and the IMF as compared to all salary and benefits paid to comparable positions for employees of U.S. banks.

BROWN (AND OTHERS) AMENDMENT NO. 2252

Mr. MCCONNELL for Mr. BROWN (for himself, Mr. SIMON, Mr ROTH, Ms. MIKULSKI, and Mr. DOLE) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 2, line 21, after the period, insert the following:

SEC. . ADDITIONAL COUNTRIES ELIGIBLE FOR PARTICIPATION IN ALLIED DEFENSE COOPERATION.

(a) SHORT TITLE.—This section may be cited as the "NATO Participation Act".

(b) TRANSFER OF EXCESS DEFENSE ARTICLES.—The President may transfer excess defense articles under the Foreign Assistance Act of 1961 or the Arms Export Control Act to Poland, Hungary, and the Czech Republic.

(c) LEASES AND LOANS OF MAJOR DEFENSE EQUIPMENT AND OTHER DEFENSE ARTICLES.—Section 63(a)(2) of the Arms Export Control Act (22 U.S.C. 2796b) is amended by striking "or New Zealand" and inserting "New Zealand, Poland, Hungary, or the Czech Republic".

(d) LOAN MATERIALS, SUPPLIES, AND EQUIPMENT FOR RESEARCH AND DEVELOPMENT PURPOSES.—Section 65(d) of the Arms Export Control Act (22 U.S.C. 2796d(d)) is amended—

(1) by striking "or" after "United States)" and inserting a comma; and

(2) by inserting before the period at the end the following: ", Poland, Hungary, or the Czech Republic".

(e) COOPERATIVE MILITARY AIRLIFT AGREEMENTS.—Section 2350c(e)(1)(B) of title 10, United States Code, is amended by striking "and the Republic of Korea" and inserting "the Republic of Korea, Poland, Hungary, and the Czech Republic".

(f) PROCUREMENT OF COMMUNICATIONS SUPPORT AND RELATED SUPPLIES AND SERVICES.—Section 2350f(d)(1)(B) is amended by striking "or the Republic of Korea" and inserting "the Republic of Korea, Poland, Hungary, and the Czech Republic".

(g) STANDARDIZATION OF EQUIPMENT WITH NORTH ATLANTIC TREATY ORGANIZATION MEMBERS.—Section 2457 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) It is the sense of the Congress that in the interest of maintaining stability and promoting democracy in Eastern Europe, Poland, Hungary, and the Czech Republic, those countries should, on and after the date of enactment of this subsection, be included in all activities under this section related to the increased standardization and enhanced interoperability of equipment and weapons systems, through coordinated training and procurement activities, as well as other means, undertaken by the North Atlantic Treaty Organization members and other allied countries.".

(h) INCLUSION OF OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The President should recommend legislation to the Congress making eligible under the provisions of law amended by this section such other European countries emerging from communist domination as the President may determine if such countries—

(1) have made significant progress toward establishing democratic institutions, free market economies, civilian control of their armed forces, and the rule of law; and

(2) are likely, within 5 years of such determination, to be in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area.

HELMS AMENDMENTS NOS. 2253–2260

Mr. HELMS proposed eight amendments to the bill H.R. 4426, supra; as follows:

AMENDMENT NO. 2253

SEC. . NON-INTERVENTION CONCERNING ABORTION.

(a) CONGRESSIONAL DECLARATION.—The Congress recognizes that countries adhere to a diversity of cultural, religious, and legal traditions regarding the deliberate abortion of the human fetus.

(b) PROHIBITED ACTIVITIES.—Therefore, none of the funds appropriated by this Act may be used by any agency of the United States or any officer of the Executive Branch to—

(1) engage in any activity or effort to alter the laws or policies in effect in any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited;

(2) support any resolution or participate in any activity of a multilateral organization which seeks to alter such laws or policies in foreign countries; or

(3) permit any multilateral organization or private organization to use U.S. government funds for such purposes.

(c) RULE OF STATUTORY CONSTRUCTION.—Nothing in this section may be construed to prevent—

(1) U.S. funds from being used to pay for treatment of injuries or illnesses caused by legal or illegal abortions; or

(2) agencies or officers of the United States from engaging in activities in opposition to policies of coercive abortion or involuntary sterilization."

AMENDMENT NO. 2254

On page 8, line 22, before the period insert the following: ": *Provided further*, That none of the funds appropriated under this heading shall be made available for the United Nations Development Program".

AMENDMENT NO. 2255

At the appropriate place in the bill, insert the following:

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS ENGAGED IN ESPIONAGE AGAINST THE UNITED STATES

SEC. . (a) None of the funds appropriated by this Act (other than for humanitarian assistance or assistance for refugees) may be provided to any foreign government which the President determines is engaged in intelligence activities within the United States harmful to the national security of the United States.

AMENDMENT NO. 2256

At the appropriate place in the bill, insert the following:

"SEC. . RUSSIAN CHEMICAL AND BIOLOGICAL WEAPONS PRODUCTION.

None of the funds appropriated or otherwise made available under this Act may be made available in any fiscal year for Russia (other than humanitarian assistance) unless the President has certified to the Congress not more than 6 months in advance of the obligation or expenditure of such funds that Russia is in compliance with the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, and has disclosed the existence of its binary chemical weapons program (as required under the memorandum of understanding regarding a bilateral verification experiment and data exchange related to prohibition of chemical weapons) and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction."

AMENDMENT NO. 2257

At the appropriate place in the first Committee amendment add the following:

On page 93, between lines 13 and 14, insert the following:

(1) a full and independent investigation conducted relating to issues raised by the discovery, after the May 23 explosion in Managua, of weapons caches, false passports, identity papers and other documents, suggesting the existence of a terrorist/kidnapping ring;

On page 93, line 22, strike out "(2)" and insert in lieu thereof "(3)".

On page 93, line 24, strike out "(3)" and insert in lieu thereof "(4)".

On page 94, line 4, strike out "(4)" and insert in lieu thereof "(5)".

On page 94, line 8, strike out "(5)" and insert in lieu thereof "(6)".

On page 94, line 11, strike out "(6)" and insert in lieu thereof "(7)".

AMENDMENT NO. 2258

On page 98, line 24 strike out "and" and all that follows through page 99, line 3, and insert in lieu thereof the following:

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) has not nationalized, expropriated, or otherwise seized ownership or control of property owned by any United States person and has not either—

(A) returned the property;

(B) provided adequate and effective compensation for such property in convertible foreign exchange or other mutually acceptable compensation equivalent to the full value thereof, as required by international law;

(C) offered a domestic procedure providing prompt, adequate and effective compensation in accordance with international law; or

(D) submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment disputes or other mutually agreeable binding international arbitration procedure.

AMENDMENT NO. 2259

At the end of the amendment, insert the following:

On page 112, between lines 9 and 10, insert:

TITLE VI—MOST-FAVORED-NATION TREATMENT FOR PEOPLE'S REPUBLIC OF CHINA

SEC. 601. SHORT TITLE.

This title may be cited as the "United States-China Act of 1994".

SEC. 602. FINDINGS AND POLICY.

(a) FINDINGS.—The Congress makes the following findings:

(1) In Executive Order 12850, dated May 28, 1993, the President established conditions for renewing most-favored-nation treatment for the People's Republic of China in 1994.

(2) The Executive order requires that in recommending the extension of most-favored-nation trade status to the People's Republic of China for the 12-month period beginning July 3, 1994, the Secretary of State shall not recommend extension unless the Secretary determines that such extension substantially promotes the freedom of emigration objectives contained in section 402 of the Trade Act of 1974 (19 U.S.C. 2432) and that China is complying with the 1992 bilateral agreement between the United States and China concerning export to the United States of products made with prison labor.

(3) The Executive order further requires that in making the recommendation, the Secretary of State shall determine if China has made overall significant progress with respect to—

(A) taking steps to begin adhering to the Universal Declaration of Human Rights;

(B) releasing and providing an acceptable accounting for Chinese citizens imprisoned or detained for the nonviolent expression of their political and religious beliefs, including such expressions of beliefs in connection with the Democracy Wall and Tiananmen Square movements;

(C) ensuring humane treatment of prisoners, and allowing access to prisons by international humanitarian and human rights organizations;

(D protecting Tibet's distinctive religious and cultural heritage; and

(E) permitting international radio and television broadcasts into China.

(4) The Executive order requires the executive branch to resolutely pursue all legislative and executive actions to ensure that China abides by its commitments to follow fair, nondiscriminatory trade practices in dealing with United States businesses and adheres to the Nuclear Nonproliferation Treaty, the Missile Technology Control Regime guidelines and parameters, and other nonproliferation commitments.

(5) The Government of the People's Republic of China, a member of the United Nations Security Council obligated to respect and uphold the United Nations charter and Universal Declaration of Human Rights, has over the past year made less than significant progress on human rights. The People's Republic of China has released only a few prominent political prisoners and continues to violate internationally recognized standards of human rights by arbitrary arrests and detention of persons for the nonviolent expression of their political and religious beliefs.

(6) The Government of the People's Republic of China has not allowed humanitarian and human rights organizations access to prisons.

(7) The Government of the People's Republic of China has refused to meet with the Dalai Lama, or his representative, to discuss the protection of Tibet's distinctive religious and cultural heritage.

(8) It continues to be the policy and practice of the Government of the People's Republic of China to control all trade unions and suppress and harass members of the independent labor union movement.

(9) The Government of the People's Republic of China continues to restrict the activities of accredited journalists and Voice of America broadcasts.

(10) The People's Republic of China's defense industrial trading companies and the People's Liberation Army engage in lucrative trade relations with the United States and operate lucrative commercial businesses within the United States. Trade with and investments in the defense industrial trading companies and the People's Liberation Army are contrary to the national security interests of the United States.

(11) The President has conducted an intensive high-level dialogue with the Government of the People's Republic of China, including meeting with the President of China, in an effort to encourage that government to make significant progress toward meeting the standards contained in the Executive order for continuation of most-favored-nation treatment.

(12) The Government of the People's Republic of China has not made overall significant progress with respect to the standards contained in the President's Executive Order 12850, dated May 28, 1993.

(b) POLICY.—It is the policy of the Congress that, since the President has recommended the continuation of the waiver under section 402(d) of the Trade Act of 1974 for the People's Republic of China for the 12-month period beginning July 3, 1994, such waiver shall not provide for extension of nondiscriminatory trade treatment to goods that are produced, manufactured, or exported by the People's Liberation Army or Chinese defense industrial trading companies or to nonqualified goods that are produced, manufactured, or exported by state-owned enterprises of the People's Republic of China.

SEC. 603. LIMITATIONS ON EXTENSION OF NONDISCRIMINATORY TREATMENT.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) if nondiscriminatory treatment is not granted to the People's Republic of China by reason of the enactment into law of a disapproval resolution described in subsection (b)(1), nondiscriminatory treatment shall—

(A) continue to apply to any good that is produced or manufactured by a person that is not a state-owned enterprise of the People's Republic of China, but

(B) not apply to any good that is produced, manufactured, or exported by a state-owned enterprise of the People's Republic of China,

(2) if nondiscriminatory treatment is granted to the People's Republic of China for the 12-month period beginning on July 3, 1994, such nondiscriminatory treatment shall not apply to—

(A) any good that is produced, manufactured, or exported by the People's Liberation Army or a Chinese defense industrial trading company, or

(B) any nonqualified good that is produced, manufactured, or exported by a state-owned enterprise of the People's Republic of China, and

(3) if nondiscriminatory treatment is or is not granted to the People's Republic of China, the Secretary of the Treasury should consult with leaders of American businesses having significant trade with or investment in the People's Republic of China, to encourage them to adopt a voluntary code of conduct that—

(A) follows internationally recognized human rights principles,

(B) ensures that the employment of Chinese citizens is not discriminatory in terms of sex, ethnic origin, or political belief,

(C) ensures that no convict, forced, or indentured labor is knowingly used,

(D) recognizes the rights of workers to freely organize and bargain collectively, and

(E) discourages mandatory political indoctrination on business premises.

(b) DISAPPROVAL RESOLUTION.—

(1) IN GENERAL.—For purposes of this section, the term "resolution" means only a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on _____ with respect to the People's Republic of China because the Congress does not agree that the People's Republic of China has met the standards described in the President's Executive Order 12850, dated May 28, 1993.", with the blank space being filled with the appropriate date.

(2) APPLICABLE RULES.—The provisions of sections 153 (other than paragraphs (3) and (4) of subsection (b)) and 402(d)(2) (as modified by this subsection) of the Trade Act of 1974 shall apply to a resolution described in paragraph (1).

(c) DETERMINATION OF STATE-OWNED ENTERPRISES AND CHINESE DEFENSE INDUSTRIAL TRADING COMPANIES.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall determine which persons are state-owned enterprises of the People's Republic of China and which persons are Chinese defense industrial trading companies for purposes of this title. The Secretary shall publish a list of such persons in the Federal Register.

(2) PUBLIC HEARING.—

(A) GENERAL RULE.—Before making the determination and publishing the list required by paragraph (1), the Secretary of the Treasury shall hold a public hearing for the purpose of receiving oral and written testimony regarding the persons to be included on the list.

(B) ADDITIONS AND DELETIONS.—The Secretary of the Treasury may add or delete persons from the list based on information available to the Secretary or upon receipt of a request containing sufficient information to take such action.

(3) DEFINITIONS AND SPECIAL RULES.—For purposes of making the determination required by paragraph (1), the following definitions apply:

(A) CHINESE DEFENSE INDUSTRIAL TRADING COMPANY.—The term "Chinese defense industrial trading company"—

(i) means a person that is—

(I) engaged in manufacturing, producing, or exporting, and

(II) affiliated with or owned, controlled, or subsidized by the People's Liberation Army, and

(ii) includes any person identified in the United States Defense Intelligence Agency publication numbered VP-1920-271-90, dated September 1990.

(B) PEOPLE'S LIBERATION ARMY.—The term "People's Liberation Army" means any branch or division of the land, naval, or air military service or the police of the Government of the People's Republic of China.

(C) STATE-OWNED ENTERPRISE OF THE PEOPLE'S REPUBLIC OF CHINA.—(i) The term "state-owned enterprise of the People's Republic of China" means a person who is affiliated with or wholly owned, controlled, or subsidized by the Government of the People's Republic of China and whose means of production, products, and revenues are owned or controlled by a central or provincial government authority. A person shall be considered to be state-owned if—

(I) the person's assets are primarily owned by a central or provincial government authority;

(II) a substantial proportion of the person's profits are required to be submitted to a central or provincial government authority;

(III) the person's production, purchases of inputs, and sales of output, in whole or in part, are subject to state, sectoral, or regional plans; or

(IV) a license issued by a government authority classifies the person as state-owned.

(ii) Any person that—

(I) is a qualified foreign joint venture or is licensed by a governmental authority as a collective, cooperative, or private enterprise; or

(II) is wholly owned by a foreign person,

shall not be considered to be state-owned.

(D) QUALIFIED FOREIGN JOINT VENTURE.—The term "qualified foreign joint venture" means any person—

(i) which is registered and licensed in the agency or department of the Government of the People's Republic of China concerned with foreign economic relations and trade as an equity, cooperative, contractual joint venture, or joint stock company with foreign investment;

(ii) in which the foreign investor partner and a person of the People's republic of China share profits and losses and jointly manage the venture;

(iii) in which the foreign investor partner holds or controls at least 25 percent of the investment and the foreign investor partner is not substantially owned or controlled by a state-owned enterprise of the People's Republic of China;

(iv) in which the foreign investor partner is not a person of a country the government of which the Secretary of State has determined under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) to have repeatedly provided support for acts of international terrorism; and

(v) which does not use state-owned enterprises of the People's Republic of China to export its goods or services.

(E) PERSON.—The term "person" means a natural person, corporation, partnership, enterprise, instrumentality, agency, or other entity.

(F) FOREIGN INVESTOR PARTNER.—The term "foreign investor partner" means—

(i) a natural person who is not a citizen of the People's Republic of China; and

(ii) a corporation, partnership, instrumentality, enterprise, agency, or other entity that is organized under the laws of a country other than the People's Republic of China and 50 percent or more of the outstanding capital stock or beneficial interest of such entity is owned (directly or indirectly) by natural persons who are not citizens of the People's Republic of China.

(G) NONQUALIFIED GOOD.—The term "nonqualified good" means a good to which chapter 39, 44, 48, 61, 62, 64, 70, 73, 84, 93, or 94 of the Harmonized Tariff Schedule of the United States applies.

(H) CONVICT, FORCED, OR INDENTURED LABOR.—The term "convict, forced, or indentured labor" has the meaning given such term by section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

(I) VIOLATIONS OF INTERNATIONALLY RECOGNIZED STANDARDS OF HUMAN RIGHTS.—The term "violations of internationally recognized standards of human rights" includes but is not limited to, torture, cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by abduction and clandestine detention of those persons, secret judicial proceedings, and other flagrant denial of the right to life, liberty, or the security of any person.

(J) MISSILE TECHNOLOGY CONTROL REGIME.—The term "Missile Technology Control Regime" means the agreement, as amended, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on an annex of missile equipment and technology.

(d) SEMIANNUAL REPORTS.—The Secretary of the Treasury shall, not later than 6 months after the date of the enactment of this Act, and the end of each 6-month period occurring thereafter, report to the Congress on the efforts of the executive branch to carry out subsection (c). The Secretary may include in the report a request for additional authority, if necessary, to carry out subsection (c). In addition, the report shall include information regarding the efforts of the executive branch to carry out subsection (a)(3).

SEC. 604. PRESIDENTIAL WAIVER.

The President may waive the application of any condition or prohibition imposed on any person pursuant to this title, if the President determines and reports to the Congress that the continued imposition of the condition or prohibition would have a serious adverse effect on the vital national security interests of the United States.

SEC. 605. REPORT BY THE PRESIDENT.

If the President recommends in 1995 that the waiver referred to in section 602 be continued for the People's Republic of China, the President shall state in the document required to be submitted to the Congress by section 402(d) of the Trade Act of 1974, the extent to which the Government of the People's Republic of China has made progress during the period covered by the document, with respect to—

(1) adhering to the provisions of the Universal Declaration of Human Rights,

(2) ceasing the exportation to the United States of products made with convict, force, or indentured labor,

(3) ceasing unfair and discriminatory trade practices which restrict and unreasonably burden American business, and

(4) adhering to the guidelines and parameters of the Missile Technology Control Regime, the controls adopted by the Nuclear Suppliers Group, and the controls adopted by the Australia Group.

SEC. 606. SANCTIONS BY OTHER COUNTRIES.

If the President decides not to seek a continuation of a waiver in 1995 for the People's Republic of China under section 402(d) of the Trade Act of 1974, the President shall, during the 30-day period beginning on the date that the President would have recommended to the Congress that such a waiver be continued, undertake efforts to ensure that members of the General Agreement on Tariffs and Trade take a similar action with respect to the People's Republic of China.

AMENDMENT NO. 2260

At the appropriate place in the bill, insert the following new section:

SEC. . AMBASSADORIAL RANK FOR HEAD OF UNITED STATES DELEGATION TO THE CSCE.

The United States delegation to the Conference on Security and Cooperation in Europe shall be headed by an individual who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall have the rank of ambassador.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a Hearing on Thursday, July 14, 1994, beginning at 9:30 a.m., in G-50 Dirksen Senate Office Building on S. 2269, the Native American Cultural Protection and Free Exercise of Religion Act of 1994.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry, Subcommittee on Agricultural Research Conservation, Forestry, and General Legislation will hold a hearing on Tuesday, July 26, 1994, at 2:30 p.m. in SR-332, to review the administration's proposed meat and poultry inspection legislation. Senator TOM DASCHLE will preside. Witnesses will be announced at a later date.

For further information, please contact Tracey Henderson at 224-2321.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, July 13, 1994, at 10 a.m., to hear testimony from Secretary Donna Shalala on the administration's welfare reform bill, the Work and Responsibility Act of 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 13, 1994, at 10 a.m., in room 216 Senate Hart Office Building, to hold a hearing on the nomination of Stephen G. Breyer of Massachusetts, to be Associate Justice of the Supreme Court.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREIGN COMMERCE AND TOURISM

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Foreign Commerce and Tourism Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on July 13, 1994, at 9:30 a.m. on current tourism policy activities.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, RECYCLING AND SOLID WASTE MANAGEMENT

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Recycling and Solid Waste Management of the Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, July 13, beginning at 2 p.m., to conduct a hearing on S. 2227, the Flow Control Act of 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TOXIC SUBSTANCES, RESEARCH AND DEVELOPMENT

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Toxic Substances, Research and Development, of the Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, July 13, beginning at 9:30 a.m., to conduct a hearing on issues involving the reauthorization of the Toxic Substances Control Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PROBLEMS HIT F–22 FIGHTER

• Mr. D'AMATO. Mr. President, first the fuselage. Now the engine. Next the avionics. Think I am talking about the B–1B? Nope. F–22.

I ask that an article that appeared in the May 31, 1994, edition of Defense Week, "Excess Engine 'Vibration' Problems Hit F–22 Fighter," be printed in the RECORD at the end of my remarks.

The article follows.

[From the Defense Week, May 31, 1994]

EXCESS ENGINE 'VIBRATION' PROBLEMS HIT F–22 FIGHTER

(By Tony Capaccio)

Excessive, unanticipated vibrations inside the turbine engine of the Air Force's newest fighter have forced the United Technologies Corp.'s Pratt & Whitney unit to redesign the powerplant, according to internal service documents obtained by Defense Week.

Redesign of the F–22's F119–PW–100 engine will cost the Air Force at least $179 million, according to program office documents.

The excessive "vibrational stress," or excitation, within the turbine "is the most serious problem that exists today because it restricts uninhibited engine operation," said the final report of a Air Force-commissioned independent review team. It was dated Feb. 8.

The review team was chaired by William Heiser, an Air Force Academy professor of aeronautics.

The engine issue represents the most serious technical problem emerging to date in the ongoing 10-year engineering manufacturing and development test phase. The $71 billion F–22 program is the second most expensive in the Pentagon procurement pipeline and a potential target of lawmakers hoping to cut the defense budget.

Pratt & Whitney spokesman Bob Carroll declined comment, referring questions to the Air Force.

Heiser praised Pratt & Whitney's Government Engines & Space propulsion division for its cooperation. "We believe that they agree with our findings and recommendations and are ready to act on them," he wrote.

News of the heretofore unpublicized engine problem comes as the Senate Armed Services Committee reviews a recommendation by the General Accounting Office to delay by seven years initial fielding of the jet until 2010 for budget savings.

The GAO recommendation was driven largely by information suggesting the F–15 could handle any new aircraft threats emerging in that timeframe and not out of any major technical concerns. At $164 million per aircraft, the F–22 is being sold largely on its hoped-for superior performance, increased ranges and improved reliability, all of which are threatened by the engine problem. "The nature and number of problems being experienced by the P&W F119 are not excessive for a highly sophisticated new centerline aircraft at this stage of development," said the review team report.

"Major advances in propulsion performance necessarily involve pushing back many technological barriers," said the report. "Nevertheless, the sum of our observations leads directly to our principle conclusion that the pace of the P&W F119 program must be significantly accelerated in order to insure that acceptable versions of the engine are available for flight test and production."

"Taken together, the magnitude of the remaining challenges and shortness of the remaining time (about 18 months are needed to design and manufacture a new turbine) require a revitalized, aggressive approach if the desired goals are to be reached," said the report.

The review team concluded: "This is a crucial moment for the F–22 system program office to conduct a top-down evaluation of aircraft/engine systems performance in order to assess the impact of probable deficiencies on mission requirements and on F119 engine specifications and priorities."

"New tradeoffs between range, payload, durability and cost must be carried out. This assessment will only become more difficult as major milestones approach and available options become more limited," it said.

"This is a big problem," said a Pentagon official very familiar with the issue. "If we don't fix any of these problems we can't make our range requirements in terms of fuel efficiency and can't make our reliability requirements," he said.

But given the aircraft's carefully crafted test program, the F–22 development team has time to solve the vexing problems because first flight of a production model F119 is scheduled for 1996.

The team also warned that, given "major" configuration changes and unanticipated development problems, there is a serious shortage of ground test engines for remaining F119 development.

"Even though there is enough reason to believe that the overall F119 program will require less than half the engines and significantly fewer ground test hours that its predecessors (because of extensive prototype testing and modern analytical methods), there are clear indications that the current numbers are inadequate," said the report.

Among the indications, actual engine test hours compared with planned hours by December 1993 were 577 versus 900. "The gap is not projected to close for at least two years. There are no back-up engines available for unanticipated future additional testing or to replace one that breaks," the report said.

Known in engineering parlance as "76E excitation," the vibration problem "not only prevents the timely acquisition of essential ground test data and places some engines at risk but remains a potential safety-of-flight issue for the initial flight release engines until conclusively eliminated," said the report.

"The 76E problem must be pursued with rigor now," wrote the team. The team "strongly supports the near term effort by P&W," it said. [Emphasis in the original.]

Heiser wrote Feb. 8 to Lt. Gen. Richard Hawley, Air Force principal deputy for acquisition: "The most important conclusion reached by the [team] is that the pace of the P&W F119 development program must be significantly accelerated relative to that of the previous year in order to insure that acceptable versions of the engine are available in time for flight testing and production."

Hawley through a spokeswoman said the Air Force was already planning to redesign the F–22 turbine to increase its fuel efficiency. "Our biggest [engine] challenge so far is subsonic cruise thrust specific fuel consumption . . . The Air Force knew that the cause of the subsonic fuel consumption shortfall was the turbine."

The independent review team validated the Air Force approach, Hawley said. "In their review summary the [team] noted the aggressive goals for the engine but also noted that the problems encountered were not uncommon for an engine development program at this stage."

Hawley's statement failed to mention the far more important issue of excess vibrations.

The report said the company's engine workforce has "adequate competence and capacity available for at least one major effort of this sort, provided that they apply it diligently," said the report.

"Nevertheless, we are anxious about the apparent shortage of experienced aerodynamic designers of highly loaded single stage turbines of the type presented by the F119. We base our concern on the lack of P&W experience with production turbines of

this class as well as their reductions in strength in this area."

These caveats aside, the team concluded P&W "is sincerely dedicated" to a successful development program. "But they will have to persevere in order to keep the necessary quality and quantity of technical personnel involved." The review team concluded that both high and low pressure turbines "fall far short of their [fuel] efficiency goals. One can see that the shortfall is caused by excessive blade tip clearance and seal leakages and poor airfoil aerodynamics."

"Engine development issues remain a high priority," the F-22 system program office wrote in a quarterly program review dated March 24.

"The engine has experienced fuel consumption inefficiencies and a durability shortfall in the turbine section. Our initial approach to correct these issues has been reviewed and agreed to be an executive independent review team." said the assessment. "These approaches focus on minimizing blade vibratory stress and tightening blade clearances."

The redesign options will be explored in June during a turbine redesign "critical design review," sources said. "You've got very, very high supersonic air that is exciting the blade twice and it shouldn't be," said a Pentagon official familiar with the F-22 program.

"Air is entering so fast it is hitting the blade at one angle and bouncing off and, hitting the next blade at a different angle," the official said.

"It is 'excited' in a way it wasn't meant to be excited," he said. "That will shorten the life of the turbine and that's bad. While we are fixing that problem we are going to try to make the whole thing more fuel efficient."

The redesign will focus on the turbine section looking at whether Pratt & Whitney must change the blade's aerodynamic shape or add blades.●

THE AMERICAN ECONOMY AND THE REST OF THE WORLD: TWO SIDES OF THE SAME COIN

● Mr. SIMON. Mr. President, one of the most thoughtful observers of our economic scene is Felix Rohatyn of New York City.

Recently, he gave the Albert H. Gordon Lecture on Finance and Public Policy at the John F. Kennedy School of Government. He calls on the United States, among other things, to deal with the jobs shortage in the underclass in a much more meaningful and creative way. He also calls on us to deal with our deficit.

Both have to be done.

As chair of the subcommittee that deals with retraining, I am all for retraining and education, but Felix Rohatyn is absolutely right when he says:

The relentless downsizing of American business, together with the defense cutbacks, cannot be offset just by retraining and education.

We need jobs programs that put people to work, that give them a lift, and that screen them when they come in to determine if they need training for basic literacy and skills acquisition. But to believe that we can do this on the cheap is living in a world of fantasy, and we have to do it on a pay-as-you-go basis. We cannot continue to have interest be the fastest growing item in the Federal budget.

That means, inevitably, that we're going to have to raise additional Federal revenue. Those of us in politics don't like to talk about those kinds of things, but we had better level with the American people that our problems are simply going to compound unless we face up to the underclass situation and unless we face up to the deficit situation.

I ask unanimous consent to insert the Felix Rohatyn statement into the RECORD at this point.

THE AMERICAN ECONOMY AND THE REST OF THE WORLD: TWO SIDES OF THE SAME COIN

(By Felix G. Rohatyn)

It is a great privilege to deliver the Albert Gordon Lecture at the Kennedy School. The Lecture is dedicated "to improved discussion and increased understanding of matters related to finance and public policy". In that context, I would like to review the relationship of the U.S. economy to the international realities of the so-called New World Order.

I would like to put forward three general propositions:

(1) That economic growth and social stability in the developed world requires substantial and steady economic growth in the large developing countries.

(2) That this development will require further integration of the western economies with the rest of the world through open trade and investment policies;

(3) That totally free market policies may not be the panacea that they are cracked up to be. Just as the U.S. is still trying to balance the benefits of free markets with the requirements of individual security and the creation of new jobs, so will other countries.

The fall of the Berlin Wall and the collapse of communism in Europe (Both East and West) have created a new historical reality. Never before has the competition among the world's leading powers been concentrated on economic, as opposed to military and ideological, realities. On the world stage, today, the competition is essentially driven by economics as Western Europe, North America, Japan, China and South East Asia approach the turn of the Century. Last week's vote on NAFTA in the Congress and the Seattle Meeting of APEC are a reflection of this situation.

However, this has had another result, namely the widely accepted conclusion that the colossal economic and political failure of communism was due to the perfection of a Reaganesque or Thatcherite version of free-market capitalism. This conclusion is dangerous for two reasons:

First, it is not true. Communism collapsed mainly because of its internal inefficiencies and contradictions once modern communications and technology made it impossible to continue its isolation. Second, because it leads to the easy and unproven assumption that pure market economies can deal with technologically-driven productivity growth, defense cutbacks and foreign competition; that they can, simultaneously, provide high levels of employment and continued improvement in the standard of living of a large majority of the population.

The danger in these assumptions is already visible in Eastern Europe and the FSU. The expectations raised by these prescriptions, superimposed on archaic systems and psychological mindsets decades behind the times, were beyond anything that could realistically be expected to come about. The best that could have been achieved would have been a disappointment; the reality in many cases, turned out to be a crushing letdown. Current conditions of inflation, corruption, insecurity and humiliation have replaced the political fear and relative economic security which characterized communist regimes. The tradeoff, for many, is not self-evident. In my judgment, there are two reasons for these failures:

First that the prescription was wrong. For socialist countries in transition, economic "shock therapy" combined with immediate democratization is in most cases, a prescription for economic failure and/or political reaction. Second, and equally important, is the fact that we, in the West, with the most advanced economic and political systems in the world, have not yet effectively dealt with the need to equate freedom, fairness and wealth. Liberals have consistently argued for freedom combined with fairness; the result was redistribution of wealth and the modern welfare state. Conservatives argued for freedom and the creation of wealth; the result has too often been significant gaps between social and economic classes as well as a very weak safety net for those in need of assistance. Until we resolve this dilemma, economic and political solutions will be in difficulty in all democracies.

It seems to me that for political stability and democracy to flourish in the world of the 21st Century, three objectives have to be met:

(1) The big, developed Western democracies, ie., the U.S., Canada and Western Europe, together with Japan, have to resolve the problems of structural unemployment and of chronic budget deficits. The creation of adequate jobs with a future is the biggest economic and social challenge now facing the West. As a result of weak economies and flawed fiscal policies, the U.S. and Germany in particular are now a drain on the credit markets. They should, over time, along with the other OECD countries become major sources of investment capital for the rest of the world;

(2) The big developing countries, China, India, the FSU, Latin America must follow their own individual path to market economies and sustained economic growth. Many SE Asian countries have done so successfully. Cultural and historical factors may be as important as economic theories in determining individual countries approach to the market economy. Social and political stability together with currency stability are both required to attract the necessary foreign investment and mobilize local savings.

A recent article in the Wall St. Journal by Henry Rowen suggested a possible scenario for the years 1990 to 2020 insofar as economic growth is concerned, dividing the world into "rich" and "non-rich" countries. This scenario shows that strong growth is required in the "non-rich" part of the world economy simply to maintain minimum acceptable growth in the developed world. Per capita growth in the OECD would be about 1.5% per annum, while the "non-rich" countries grow at about 3.5% per annum. Its achievement would require mutually reinforcing economic policies on an entirely new scale. The achievements of the Marshall Plan and the Bretton Woods architecture are modest in comparison. In view of the growing importance of exports for the U.S. economy, it is

easy to see that, if the developing world falters, the U.S. will be in serious difficulties.

It is clear that no one Western country, such as Germany, Japan or the U.S. is capable of being the locomotive to generate sufficient economic growth; it is questionable that any one region is capable of doing so. The pressures created by West Germany having to invest $100 billion per annum in East Germany, combined with continued large U.S. borrowings to finance our own budget deficits, have slowed the economies on both sides of the Atlantic. For the first time in modern history, the locomotive for the West must come from new growth in the rest of the world.

Nonetheless, the U.S. must take the lead to achieve this objective, with long-term economic and trade policies aiming at sustained economic growth in Latin America, China, India and other South East Asian countries. Completing the GATT and NAFTA agreements are vital aspects of that role. At home, the U.S. must make continued progress in the related areas of structural unemployment, budget deficits and savings and investment. We must redefine our foreign policy so as to give much greater emphasis to international economic integration and growth policies. Like every major multinational corporation, the foreign components of economic policy are but the other side of the coin of domestic economic policy.

On the domestic front, The Clinton Administration has made a courageous start to reverse a decade of deficits, of increased indebtedness and of a low savings rate. Much more will have to be done, particularly in the areas of solving the growth of entitlement programs such as Social Security, Medicare and Medicaid, probably through some form of means testing. However, providing security to the working American will have to come pari passu with deficit reduction. Universal health care is one component of that security, providing it is realistically financed. Job opportunities and financial security is a second component, and on that score we are failing badly. The relentless downsizing of American business, together with defense cutbacks, cannot be offset just by retraining and education. These are important components but they are inadequate, and a number of different initiatives will be required.

Among government actions, a large scale public works program should be undertaken, federally financed and supplementing state and local programs. A $250 billion ten-year program would be a fraction of what is needed to bring this Country's infrastructure to satisfactory condition and should be considered as a minimum first step; it could create about 1 million new jobs annually and could serve as one component of a defense conversion effort. High speed rail; mass transit; airport construction and many others would be a more effective use of defense contractors capabilities than building redundant Seawolf submarines. The use of some military bases, which are presently scheduled to be closed, for CCC-type programs to train inner-city youngsters, would be another benefit. The financing for such a program could be separated from the federal budget, with special issues of infrastructure bonds, secured by modest increases in gasoline taxes or other recurring revenues. These would pay off the bonds in 30–40 years and could make them eligible for investment by private and public pension funds, which now amount to about $3 trillion and will probably double in size over the next ten years.

In addition to such a program, new private sector initiatives will have to be studied, such as shorter work weeks, earlier retirements, and tax incentives for retirees to start small businesses. The impact on productivity as well as on the Federal budget must obviously be taken into account with any of these approaches. But the agreement of the German unions to Volkswagen's adoption of a four-day week must be compared with the chaos created in France by the failure of the French Government to support Air France vis a vis its unions. The social and economic costs of long-term unemployment are usually greater than the cost of creating opportunities for those who want it.

The U.S. Government should also be willing to compete directly with other nation's industrial policies as they affect key American industries. A clear example is the case of Airbus Industrie, the European airplane consortium, which has acquired 30% of the world's commercial aircraft market, at the expense of the American aerospace industry. The estimated subsidy invested by European governments of about $30 billion over 20–25 years has been a spectacular success, and Airbus could well be headed for 40–50% of the market over time. A program should be developed between the Government and the U.S. aerospace industry to assist in the development of the next generation 600–800 passenger "super-jumbo" jet as well as to the successor of the supersonic Concorde.

While it is important for the U.S. to eliminate its budget deficits over time and to become an exporter of capital instead of an importer, the amounts of capital required for world development dwarf any possible Marshall Plan, either U.S. or even OECD led. The original Marshall Plan consisted of about $16 billion to be disbursed over a four year period. This would be the equivalent of about $100 billion in today's dollars. To generate $25 trillion of new output in the developing world over the next 25 years, as suggested in the WSJ essay, could require as much as $15–$20 trillion of investment. No combination of western public and private investment can provide more than a fraction of this amount. However, western expansionists trade and investment policies will accelerate the required internal capital generation in large developing countries.

It is crystal clear that this reality requires major developing countries to establish domestic capital markets of sufficient depth, transparency and integrity so as to encourage and mobilize domestic savings as well as tap into the global savings pool represented by the rest of the world's capital markets. These will be heavily influenced by modern legislative reforms and financial and monetary policies of currency stability and low inflation. A global competition for capital will drive economic and political reforms, which in turn will be needed to mobilize domestic savings.

In order to be able to rely mostly on private capital flows and capital formation, developing countries must meet two basic requirements: A stable currency and a stable social and political environment. Runaway inflation brought about economic collapse and nazism in post WWI Germany; runaway inflation, today, is still the biggest enemy of investments and stability, witness the events in the FSU at present. The control of inflation and the transition to a market economy argue against overnight "shock therapy" solutions such as are imposed today on former communist countries. Memories are notoriously short, but WWII ended less than fifty years ago and it would be well to review what happened then. Despite the Marshall Plan; despite the fact that the European economies had experience with market economies and the technical and administrative infrastructures to comprehend them; despite the "German-economic miracle" beginning with currency reform in the 1950s; it took most of Europe 10 to 20 years to regain fully convertible currencies and a relative level of political stability. I would argue that the task of bringing Western Europe back from the catastrophe of WWII was easier, politically and economically, than the task facing the FSU and, possibly, China today.

Eastern Europe, while a daunting challenge, appears to be more manageable, with the exception of Yugoslavia. West Germany has essentially taken over the responsibility for East Germany, albeit at huge cost. Poland, despite a political setback, has strong current growth. The other countries all have histories of Western type economies and politics, interrupted by forty years of communism. It is hard to overemphasize the importance of opening up trade opportunities for Eastern and Central Europe. This can be done not only by encouraging the EC to open its markets on an accelerated time table, but by reopening some FSU markets to these countries as part of Western economic assistance programs to the FSU. The economic stability of Europe requires the integration of Maastricht; the social stability of Europe requires the orderly inclusion of Eastern and Central Europe into the EC through more aggressive trade and investment policies.

While the prospects and the requirements for a successful transition of both the FSU and China are quite different, I remain convinced that a gradual approach to economic as well as political transition is most likely to succeed. In other words, I believe that Deng Xiao-Ping is more likely to succeed than Boris Yeltsin. Every major U.S. corporation that has undertaken significant restructuring programs has done so on a multi-year basis. Early retirements have been combined with programs to cushion the shock of lay-offs, with definite goals set on a year by year basis. New York City avoided bankruptcy in the 1970s with a multi-year plan along similar lines. The same approach should be applied to inefficient state enterprises, even those that lead to total shutdowns. The sacrifices required, in the form of lower standards of living and higher unemployment, by the quick dismantling of state enterprises and total decontrol of prices is politically unsustainable in the long run. The U.S. is in a poor position to argue for the compatibility of sacrifice with democracy; when a 4 cent tax on gasoline is deemed to be a terrible burden, we should be very modest when calling on others to sacrifice. There are also other models than those of Thatcherite Britain or Reaganite America for these countries to aim for. Japan's spectacular postwar development took place under a one-party system and significant government guidance to the private sector economy. France has followed the path of a mixed economy. Similar approaches could succeed in former communist countries if we recognize that individual countries will have to follow individual paths.

Russia and some of the other members of the FSU will require special treatment. Both democratization and economic reform have gone part way and have stalled as a result of inflation, economic collapse and political resistance of non-democratic forces. Boris Yeltsin seems to be our best hope, but it would not be surprising if Russian democracy turned out to be more authoritarian than our ideal model or if regional pressures

caused significant structural changes to occur. The economy will also need much more time and far more outside financial and technical assistance to make the transition than any of the other major countries. In the case of Russia and possibly Ukraine and Belarus, very large scale, long-term international economic assistance programs will probably have to be set up. It is doubtful whether the technical and administrative infrastructure in the FSU is adequate to manage such a program, or has the ability to attract and generate sufficient private capital.

A stable convertible rouble is still unattainable, but it is ultimately necessary. The international financial community, through the IMF, created additional Special Drawing Rights which allowed members to increase their borrowings in the 1970s in order to deal with the oil crisis. This amounted to about $8 billion (equivalent to about $15 billion currently) to be spread over seven years. A similar approach could be taken for the FSU in order to finance a multi-year program to stabilize the currency, or currencies as the case may be.

In addition, FSU participating countries could be encouraged to provide 10–20 year concessions to Western companies or consortia to acquire control of, and operate, some important sectors of the economy in order to accelerate transition. Control would thereafter revert to local interests. Guarantees for the protection of private property, debt repayment and profit remittance would have to be provided by the local governments and supplemented by broad investment guarantees by the Western Governments.

I am aware of the fact that such a program could be described as "Western neo-colonialism" and may be politically unacceptable in the FSU. There may not be very attractive alternatives, however, and it would be well to be realistic about what is required. West Germany is committed to invest about $10 billion annually in East Germany, probably for the next 7–10 years to provide for its transition costs. East Germany, with less than 10% of the population of the FSU, is probably twenty years ahead of the FSU in its infrastructure, overall educational levels and technological and administrative competence. The requirements of the FSU are many times the amounts invested in East Germany, but its ability to receive and disburse them effectively are inadequate; this will require both time and significant foreign participation. The "Grand Bargain" proposed by Harvard's Graham Allison and Robert Blackwill was an idea ahead of its time. Some version of the Grand Bargain will, however, be required.

China is a different case. It has allowed gradual economic liberalization, beginning with agriculture; it has maintained up to recently, a relatively stable currency while maintaining a politically authoritarian system. It has had the support of large amounts of capital and know-how provided by overseas Chinese as well as foreign trade surpluses and other capital inflows. So far, the result has been an economic boom, huge inflows of capital and, in certain regions, significant advances to a market economy at spectacular growth rates. However, the lack of a modern administrative, legal and credit structure; an inadequate public infrastructure; and some of the more negative aspects of rapid economic development (i.e. recently increasing inflation; rampant speculation; corruption; crime) leave the question of the future of China still unanswered. Huge differences exist in the pace and level of economic transition between the coastal regions and the rest of the Country and between urban and rural areas. The challenge to the Chinese Government is to get administrative and financial mechanisms in place that enable national policies to be carried out effectively. Equally important, is the development of a capital market of sufficient size to raise the huge sums necessary, both domestically and abroad, to meet China's needs. Direct investment will not be sufficient without the creation of such a market and an independent and responsible Chinese Central Bank is integral to such a development. As far as the U.S. is concerned, the issues of human rights, weapons proliferation and our significant trade deficit with China will remain as continued impediments to a totally open relationship.

Our economic relationship with Japan is beginning to change as China becomes a more important factor and as Japan's own economic and political problems force a reassessment of their own situation. The Clinton Administration is absolutely correct in attempting to obtain a measurable reduction in our balance-of-trade deficit with Japan, based on measuring sectoral activity. Equally important, however, is to push Japan to open its doors to U.S. direct investment as broadly as we have maintained open investment on the part of Europe and Japan. Japan (and to a lesser extent Germany) maintains an almost impenetrable net of bank-insurance-industrial cross-ownership and control which makes direct foreign investment very difficult if not impossible. It is as important to open up Japanese direct investment markets as it is to remove trade barriers; it is equally important for Japan to continue and accelerate its role as a heavy investor in developing countries.

Mexico and the rest of Latin America will be heavily dependent on the success and the extension of NAFTA. The creation of a total American market reaching from Canada to the tip of Argentina is clearly in our interest as well as those of Canada and all of Latin America. NAFTA is a key first step and was a critical and courageous win for the Clinton Administration. At the same time, we should make it clear that NAFTA and the ultimate creation of a Continental American market is not exclusive of other regions. Powerful economic forces will push China, Korea, SE Asia and possibly Japan to create an economic trading zone that could someday be exclusive of the West. Germany, if European union fails to come about, could drift toward similar arrangements with Austria, Poland, Czechoslovakia, Hungary and, possibly Ukraine. Such developments would be profoundly inimical to our interests. We need not embrace Asia at the expense of Europe as was recently hinted at by the Seattle APEC Meeting. Common values, histories and languages still play an important role in the world. President Clinton must continue his fight against protectionism throughout the West by providing a bridge, instead of a moat between Europe and Asia.

Which brings me back to the U.S. economy and the U.S. role in the world. I stated at the beginning of this lecture my belief that we have yet to prove that free market capitalism can successfully close the triangle of political freedom; the creation of wealth; and the fairness of its distribution. It may be that this is impossible and that the price of political freedom and the creation of wealth requires the sacrifice of job and income security for significant parts of the population. This is Reaganism and Thatcherism at its purest and, more or less, describes the recent attitude (implicit rather than explicit) of most Western governments, including the U.S. This is not good enough and recent statements by President Clinton and Senator Bill Bradley pointing to the need for security by the average American underline this fact. Before we push other countries too hard with respect to the appropriate role of Government and to what models they should follow, we had better be further along in providing satisfactory answers to these problems ourselves while closing our own budget deficits and stimulating our economy. It is also clear that progress on the domestic economy is necessary for the process of international integration. A stronger U.S. economy would have removed the threat to NAFTA caused by fears of domestic unemployment; a stronger French economy would reduce the threat to GATT created by internal pressures on the French Government.

A recent article in Business Week described GE's growth strategy for the 21st Century as being focused on aggressive investment in China, India and Mexico. The Chairman of GE, Jack Welch, is quoted as saying: "If I'm wrong, we will lose $1 or $2 billion; if I'm right, we will own the 21st Century". I think he is making the right bet. The future of our economy is organically, and permanently, tied to the developing world and the process of integration must be accelerated. Economic integration can allow for different political and social paths to be followed as countries experiment with what is best for them. Access to large amounts of development capital will, however, be central to every country's performance and the competition for that capital will be fierce. It may be worth reviewing whether current U.S. financial institutions (as well as global institutions) are appropriate to support the level of capital formation and investment needs to be faced over the coming decade. Just as new public instutitions were created for the 1930s and 1940s, we may need again to consider the need for institutional development to support economic change and international exchange rate stability.

The world may be a lot safer today than it was before the Berlin Wall fell; I say "may be" because safety is relative and lots of dangers remain. What is certain is that safety can be buttressed by economic growth and that American growth is heavily dependent on the rest of the world. Our ability to solve our own economic and social problems is heavily dependent on our leadership in helping other countries to solve theirs; the reverse, however, is equally true. These are two sides of the same coin.●

TRIBUTE TO THE RETIREMENT OF VICTOR PHILLIPS POOLE

● Mr. SHELBY. Mr. President, I rise today to honor Victor Phillips Poole on the occasion of his retirement. For 30 years, Victor has been a member of Alabama's State Board of Education, an elected body that serves as trustee for the State's kindergarten-twelfth grade system as well as Alabama's 2-year colleges. Most likely, no one else in the State has affected the lives of more people in Alabama than Victor. His main concern has always been the improvement of Alabama's public education system.

Victor was born in Greene County, located in one of Alabama's poorest regions also referred to as the Black Belt. Here he developed the basis for

his strong commitment to public education. His dedication is based in his belief that all people in the State, no matter their race or gender, have the right to an education.

Victor attended high school in Hale County, just across the river from Greene County. After high school he went on to graduate from the University of Alabama. Victor has come to the aid of the University several times over the years such as chairing the committee to establish a medical center in Tuscaloosa and helping to locate the College of Community Health Sciences on the University's campus.

In 1963, then Governor George Wallace first appointed Victor to the newly established State Board of Education. Victor continued to be reappointed by Governors Lurleen Wallace and Albert Brewer. In 1970, the Alabama State Constitution was changed and called for the trustees of the Board of Education to be elected. Since that time Victor has continued to be elected by the people of his district, even with the 1980 redrawing of districts making Victor's district the largest in the State.

Victor and his wife, Madie Irene Howell, live in Moundville, AL, where he is currently the chief executive officer for the Bank of Moundville. The Pooles and their three sons are active in every aspect of community life in Hale County, and their oldest son, Phil, is a member of the Alabama House of Representatives.

Mr. President, Victor Poole has been a dedicated servant to the education system in the State of Alabama for over 30 years. His lifetime commitment of his community and to our State is an example to us all.•

STATEMENT OF NORMAN A. CARLSON, DEPARTMENT OF SOCIOLOGY, UNIVERSITY OF MINNESOTA

• Mr. SIMON. Mr. President, in the midst of all our efforts on crime, someone gave me a copy of the testimony of Norman A. Carlson, former Director of the Bureau of Prisons and now a professor of sociology at the University of Minnesota.

From his years of experience, he gives us some common sense.

All of us who work with him know that he was highly regarded by everyone in Congress and in the administration.

He points out, among other things, that when he retired in 1987, there were 43,500 inmates and 47 Federal institutions. As of 1993, when he testified, there were more than 76,000 offenders in 73 Federal prisons.

Most important, he says:

I believe that most individuals who seriously examine the Federal criminal justice system would conclude that minimum-mandatory sentences have produced results which have not served the public interest and are costing the taxpayers a tremendous amount of money.

He also points out in his statement that 26 percent of all Federal prisoners are non-United States citizens.

I urge my colleagues, who are seriously concerned about our crime problem and the use of our penal facilities to read the Norm Carlson statement.

At this point, I ask that his full statement of May 12, 1993, be entered into the RECORD.

The statement follows:

STATEMENT OF PROF. NORMAN A. CARLSON

Mr. Chairman, members of the Committee, it's a pleasure for me to appear before you once again. During my tenure as Director of the Federal Bureau of Prisons, I had an opportunity to testify before this committee on a regular basis and discuss a number of legislative and oversight issues. I want to again express appreciation for the support, assistance and encouragement you provided during those years.

While I've been retired for nearly six years, I continue to be an interested observer of the Federal criminal justice system. My interest relates in part to the fact that I teach in the area of criminal justice at the University of Minnesota. In addition, I have strong attachments to the men and women who are employed by in the Department of Justice—both in the Bureau of Prisons as well as the other divisions and agencies. They are, in my opinion, an exceptionally talented and dedicated group of public servants—a group that I am proud to have been associated with during my 30 year career.

Since retiring, my only official contact with the federal system occurred during 1989 and 1990 when I Chaired an Advisory Group established by the United States Sentencing Commission to explore the possibility of expanding intermediate punishments for federal offenders. In connection with that assignment, I had an opportunity to become familiar with the effect Sentencing Guidelines and Minimum-Mandatory sentences are having on the system. In addition to reviewing available data concerning those initiatives, I learned of their human impact and the tremendous frustration that is experienced by prosecutors, Federal Judges, U.S. Probation Officers and the staff of the Bureau of Prisons because of the absence of discretion in sentencing.

I don't have to tell you, Mr. Chairman, that the population of Federal prisons has dramatically increased during these past six years. When I retired in July 1987, there were 43,500 inmates confined in 47 federal institutions. Today, there are over 76,000 offenders incarcerated in 73 facilities. Despite the fact 50,000 additional beds have been or will be added in the future at a cost of over $3.2 billion, federal prisons are more overcrowded today than when I left. While the increase is unprecedented, the future is even more alarming. Unless there are fundamental changes in the criminal justice system, there will be over 115,000 federal prisoners by 1999 according to current projections.

From personal experience, I can tell you that severe overcrowding exacerbates the tensions and frustrations that are found in any place of confinement. Beyond limiting the amount of living space available for inmates, overcrowding taxes the support areas such as food service and medical care. More importantly, it creates idleness because existing work and educational programs, which are already limited, cannot accommodate the additional population pressure.

The population explosion during the past six years is directly attributable to two factors; One, minimum-mandatory sentences contained in the Anti-Drug Abuse Act of 1986 and two, sentencing guidelines established by the Sentencing Reform Act. These two acts have resulted in a significant reduction in the use of probation—even for first offenders—and a dramatic increase in the length of time many inmates—particularly drug offenders—will spend in prison.

There has also been a significant change in the composition of the federal prison population during the past several decades. When I became Director in 1970, Armed Bank Robbery and Drug Laws were the largest offense categories, each constituting approximately 16 percent of the total population. Today, narcotic violators are, by an over-whelming margin, the largest category constituting over 60 percent of the population. In terms of background, over 50 percent of the drug violators now in federal prison are serving their first sentence. Data from the U.S. Sentencing Commission indicates that 60 percent of all the drug violators fall into the lowest of the six criminal history categories used by the Commission in determining sentence length. These facts would appear to suggest that at least some of these offenders may not constitute a significant threat to the public.

No one disputes the fact that prisons and jails are important and necessary components in our nation's criminal justice system. They are, without question, needed to confine violent and dangerous offenders as well as those who repeatedly violate our laws. Having said that, however, we must also look at the economic costs of building and operating prisons. No matter how safe, humane and well managed they are, prisons will always be a scarce—and very expensive—resource in the system. As is the case with any scarce resource, we need to insure that prisons are utilized in a manner which maximizes their contribution to public safety. Simply locking up more and more offenders for longer and longer periods of time is, in my opinion, not a rational response. Instead of simply continuing to build prisons, we should, first of all, insure that space is available for violent and dangerous inmates who require incarceration and find other means of punishing less serious offenders who can be dealt with in more cost-effective ways from the standpoint of the taxpayer.

I believe that most individuals who seriously examine the Federal criminal justice system would conclude that minimum-mandatory sentences have produced results which have not served the public interest and are costing the taxpayers a tremendous amount of money. While recognizing that the certainty of locking offenders up for long periods of time may appear to have surface validity, minimum-mandatory sentences are, in my opinion, based on several false assumptions. First, all offenders are not alike—some have long histories of anti-social and predatory behavior, others are non-threatening individuals with little or no prior criminal record. To impose similar minimum-mandatory sentences on disparate individuals is both unwise and unjust. Secondly, all offenses are not the same. Even though the specific acts may violate a common statute, some crimes present a much more serious threat to the public and deserve harsher punishment. Finally, I am aware of no empirical evidence which suggests that the threat of lengthy minimum-mandatory sentences has a demonstrable deterrent effect on potential violators in the community.

Further compounding the problem is the fact that the minimum-mandatory sentences serve as a major force driving up the guidelines developed by the U.S. Sentencing Commission. In an attempt to conform with Congressional action, the Commission established the minimum-mandatory as the lowest guideline sentence. In effect, this has resulted in a "ratcheting" up of all guideline sentences where mandatories are included in the statute.

For these reasons, I would urge the committee to re-consider minimum-mandatory sentences, particularly for drug law violators. In my opinion, they are contributing to the present crisis in the Federal criminal justice system. Studies have demonstrated that the possibility of such sentences frequently results in circumvention by prosecutors and occasionally by juries. All too often, they result in the imposition of prison terms that virtually everyone agrees are unduly harsh given the facts of the crime and the background of the offender.

One additional issue that I would suggest the committee consider relates to the fact that 26 percent of all federal prisoners are non-U.S. citizens. The vast majority of these offenders have been committed for drug law violations. While there unquestionably are major traffickers included in this group who should be confined for many years, a substantial percentage are low level "mules" who were recruited by others to smuggle drugs. Even though a period of confinement may be necessary I question keeping them in federal prison for 5, 10, or even 20 years at a cost to the U.S. taxpayers of over $20,000 per year. In addition to the cost factor, one must also keep in mind that their continued incarceration means that over a quarter of all federal prison space is not available for offenders who may constitute a far greater threat to the public safety. In my opinion, it makes little sense to use scarce and expensive U.S. prison capacity to incarcerate relatively low level, non-violent foreign offenders for long periods of time. A number of state prison systems, particularly California, New York, Florida and Texas are experiencing similar problems with non-U.S. citizens taking up substantial amounts of prison capacity. In this connection, I was pleased to note that several members of this committee have introduced H.R. 1459 entitled "The Criminal Aliens Deportation Act of 1993". I believe the Congress should address this issue, particularly the impact non U.S. citizens have on prison and jail capacity.

This concludes my formal statement, Mr. Chairman. I'd be pleased to respond to any questions you and your colleagues may have.•

ANNIVERSARY OF THE FEDERAL CREDIT UNION ACT

• Mr. PRYOR. Mr. President, Sunday, June 26 marked the 60th anniversary of the signing of the Federal Credit Union Act. That legislation gave birth to a national movement which today is comprised of a community of 13,000 member institutions. For 60 years now, Federal credit unions have offered cooperative savings opportunities to individuals of all financial means. This has been their principal mission, and I am convinced it is the characteristic which will distinguish them from all other types of financial institutions in the future.

I believe it is important to recognize the achievements of those institutions which truly are "the people's banks"—Federal credit unions. As they have in the past, Federal credit unions continue serving their members in a manner consistent with their tradition of cooperation and democratic participation. I am proud to say that the 95 Federal credit unions representing 212,000 members in my home State of Arkansas are fine examples of the credit union community's cooperative service ideals. I commend Federal credit unions for their dedicated service to their members over these 60 years and wish them continued success.•

INTRODUCTION OF THE NATIONAL INSTITUTE FOR THE ENVIRONMENT ACT

• Mr. DASCHLE. Mr. President, the environmental challenges confronting the United States and the world are some of the most critical issues we face today. Global climate change, loss of biodiversity, resource depletion and environmental justice illustrate the broad scope of serious environmental problems that present our society with tough policy choices and are becoming more complex each year.

It is clear that without solutions to these problems our quality of life and economic security is severely threatened. It is also evident that proposed solutions raise questions of economic and social trade-offs that can spark intense, often emotional debate.

Lack of scientific certainty and credibility establishes a climate within which passions can become inflamed and bad policy can be made. We all remember the national controversy over the chemical alar. Environmentalists contended that it contributed significantly to increased health risks to children. The apple industry challenged that contention and felt that they were being stigmatized.

The entire matter was debated in the press, without the benefit of an objective, scientifically credible referee. Eventually, a lawsuit was brought against the television station that initially ran the story as well as the environmental group that developed the risk estimates. This is not a model of how serious environmental issues, involving potentially significant health risks and economic consequences, ought to be handled.

The Federal Government will have many tough environmental policy issues to deal with in the future as it implements such initiatives as the Clean Air Act, the Safe Drinking Water Act, and ecosystem management. Policymakers and the public will need objective, complete, and dispassionate answers to the questions raised by these programs.

Too often decisionmakers have not had the scientific information they needed to design long-term, cost effective solutions. And there is an overriding consensus that the Federal environmental research system is not meeting the challenge.

More than 17 reports in the last 6 years—including EPA's Science Advisory Board, the Carnegie Commission, the National Research Council, and the Committee for the National Institute for the Environment—have found that credible information on the environment is lacking.

These reports attribute this deficiency to the fact that there is no focal point for Federal environmental research, and that the current agency structure is not well suited to address current and future environmental challenges.

Federal environmental research programs are spread out over more than 20 agencies. These piecemeal programs have developed over the last two decades, resulting in a collection of substantially diffuse environmental research efforts that are largely geared toward short-term regulatory or management needs.

This nation spends $3.1 billion each year on environmental research and an estimated $135 billion to $158 billion on pollution abatement and clean-up. That is 2 to 2.4 percent of GNP.

Clearly, it is in the interest of the Nation to ensure that research funds are spent in the most effective way and that there is a formal process for using environmental research in the policymaking process, so that we are regulating in the most rational way.

The Federal bureaucracy has great difficulty in conducting environmental research that is interdisciplinary and requires long-term study. These complex issues fall between the cracks of narrowly focused agency research programs.

Bridges between science and policy are weak and lack timely, ongoing assessments on the state of environmental knowledge. Insufficient attention is paid to information management and making information accessible to scientists and decisionmakers at all levels.

No single agency is charged with educating and training the next generation of environmental scientists and professionals. And, most importantly, there is no Federal entity that effectively integrates assessment, research, information, and education and training while incorporating the input of scientists, public and private decisionmakers, and those affected by environmental decisions.

Recently, I introduced a bill to respond to those problems. "The National Institute for the Environment Act" will establish the National Institute for the Environment [NIE] as an independent entity within the Federal Government whose sole mission is to improve the scientific basis for decisionmaking on environmental issues.

The NIE will support this mission by funding problem-focused competitively awarded, peer-reviewed extramural research, providing comprehensive and ongoing assessments on the current state of environmental knowledge, communicating information through a state-of-the-art data base, and sponsoring higher education and training.

The NIE would not replace but would supplement existing Federal research programs that are necessary to accomplish individual agencies' missions.

To ensure the credibility of its science, the NIE will have no regulatory or management responsibilities and would focus solely on improving the scientific basis for environmental decisionmaking. In order to control costs and bureaucracy, the NIE will not operate its own research laboratories and facilities, but would instead fund competitively awarded extramural grants to the best talent available in academia, government, private industry, or others.

What is most unique about the NIE is that all relevant stakeholders will play an active role in determining environmental research goals and priorities. The NIE's governing board will include representatives from Federal and State governments, scientists, environmental groups, business, and others.

This approach will help create a nonadversarial climate that has less confrontation, and ensure that priorities are policy relevant. This multistakeholder process makes the NIE distinctly different from current Federal research where nonfederal interests have only a limited advisory role.

This bill draws on the work of the committee for the National Institute for the Environment, a national grassroots network of over 7,000 scientists, business leaders, environmentalists and concerned citizens who are dedicated to the creation of the NIE. Their work has already prompted the introduction of legislation in the House (H.R. 2918) which currently has 73 bipartisan cosponsors. More than 100 universities, scientific and professional organizations, major environmental groups, and business leaders have endorsed the NIE.

The NIE is a cost-effective, comprehensive solution that will help the United States strategically spend research dollars to address the most complex environmental issues. It is my intention to move forward with this initiative and promote further debate in the Senate about the inadequacies of current Federal environmental R&D and the potential of NIE as the solution.

I strongly urge my colleagues to join me in my effort to improve the scientific basis for environmental decisionmaking and to cosponsor the "National Institute for the Environment Act." I ask unanimous consent that the text of the bill be printed in the RECORD.

The text of the bill follows:

S. 2242

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Institute for the Environment Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) An appropriate scientific understanding of the diverse physical, biological, engineering, social, and economic issues that underlie the environmental problems facing the United States is essential to finding environmentally and economically sound solutions to the problems.

(2) While more than a dozen Federal agencies support environmental research and gather environmental information, there is not a lead Federal agency for environmental research and information.

(3) The current approach of the Federal Government to developing a scientific understanding of environmental problems, and of applying that understanding to the problems, lacks coherence and often fails to provide information vital to finding sound solutions to the problems.

(4) The United States needs to improve the scientific basis for decisionmaking by Federal, State, and local governments, and private sector entities, on environmental issues.

(5) Many environmental issues that will seriously affect the United States in the future are not adequately studied under existing Federal environmental research programs.

(6) Existing Federal environmental research programs often do not provide adequate information in a timely manner to enable Federal, State, and local governments, and private sector entities, to engage in well-informed decisionmaking on environmental and related issues.

(7) Existing Federal environmental research programs do not adequately address, link, and integrate research in different disciplinary, interdisciplinary, and multidisciplinary environmental sciences.

(8) Ongoing study and communication of the existing knowledge about environmental issues, including the assessment of the significance of the knowledge, are needed to strengthen the weak link between scientific knowledge and decisionmaking on environmental issues.

(9) Easy and effective access, including access by the scientific community, to the many rapidly growing sources of environmental information would improve the effectiveness of research on, and communication about, environmental issues.

(10) To address the complex environmental problems facing the United States, there is a growing need for more education and training of individuals in disciplinary, interdisciplinary, and multidisciplinary sciences related to the environment.

(b) PURPOSE.—It is the purpose of this Act to create an independent establishment to improve the scientific basis for making decisions on environmental issues through support for competitive, peer-reviewed, extramural research, ongoing knowledge assessments, data and information activities, and education and training on environmental issues.

SEC. 3. ESTABLISHMENT OF NATIONAL INSTITUTE FOR THE ENVIRONMENT.

There is established as an independent establishment an institute to be known as the "National Institute for the Environment" (referred to in this Act as the "Institute"). The mission of the Institute shall be to improve the scientific basis for decisionmaking on environmental issues.

SEC. 4. DUTIES.

The Institute shall have the following duties:

(1) To increase scientific understanding of environmental issues (including environmental resources, systems, and sustainability, and the human dimensions associated with environmental issues) by initiating and supporting credible, extramural, problem-focused, peer-reviewed basic and applied scientific environmental research and other disciplinary, multidisciplinary, and interdisciplinary environmental programs. The support of research and programs under this paragraph may include the provision of financial assistance pursuant to section 8, including grants, contracts, and cooperative agreements.

(2) To assist decisionmaking on environmental issues by providing ongoing, comprehensive assessments of knowledge of environmental issues. The performance of assessments under this paragraph shall include the following:

(A) Summarizing the state of the knowledge.

(B) Assessing the implications of the knowledge.

(C) Identifying additional research that will provide information needed for decisionmaking by Federal, State, and local governments, and private sector entities, on environmental issues.

(D) Analyzing constraints that may affect the conduct of research described in subparagraph (C), including the existence of limited technological, human, and economic resources.

(E) Communicating the results of assessments under this paragraph to relevant Federal, State, and local government decisionmakers and the public.

(3) To serve as the foremost provider and facilitator in the United States of access to current and easy-to-use peer-reviewed scientific and technical information about the environment. The provision and facilitation of access to information under this paragraph shall include the following:

(A) Providing and facilitating access to credible environmental information (including scientific and technological results of environmental research) for relevant Federal, State, and local government decisionmakers, policy analysts, researchers, resource managers, educators, information professionals (including computer and telecommunications specialists), and the general public.

(B) Establishing an electronic network that—

(i) uses existing telecommunications infrastructures to provide single-point access to environmental information; and

(ii) includes existing collections of environmental information, such as libraries, specialized information centers, data and statistical centers, and government and private sector repositories of regional, event-driven, or ecosystem information.

(C) Identifying and encouraging the effective application of state-of-the-art information technologies to promote the availability and use of, and access to, environmental knowledge.

(D) Providing long-term stewardship of the environmental information resources of the United States, including efforts to ensure the continued usefulness of the resources, through the promotion and development of

policies and standards for providing access to environmental information, and through the support of relevant research and development.

(4) To sponsor higher education and training in environmental fields in order to contribute to a greater public understanding of the environment and to ensure that the United States has a core of scientifically educated and trained personnel who possess skills to meet the environmental needs of the United States. The sponsorship of education and training under this paragraph shall include the following:

(A) Awarding scholarships, traineeships, and graduate fellowships at appropriate nonprofit institutions of the United States for study and research in natural and social sciences and engineering related to the environment.

(B) Supporting curriculum and program development in fields related to the environment.

(C) Promoting the involvement of women, minorities, and other underrepresented groups.

(5) To encourage and support the development and use of methods and technologies that increase scientific and general understanding of the environment and minimize adverse environmental impact.

(6) To evaluate the status and needs of the various environmental sciences and fields.

(7) To foster interchange of scientific information about the environment among scientists, Federal, State, and local government decisionmakers, and the public.

(8) To identify and seek to address emerging environmental issues and all aspects of scientific, technological, and societal aspects of environmental problems.

(9) To establish research priorities for the Institute for environmental issues of global, national, and regional significance.

SEC. 5. GOVERNING BOARD.

(a) ESTABLISHMENT.—There shall be a Governing Board for the Institute (referred to in this Act as the "Board") which shall establish the policies and priorities of the Institute.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Board shall be composed of 18 members who shall be appointed by the President by and with the advice and consent of the Senate.

(2) REPRESENTATION ON THE BOARD.—

(A) IN GENERAL.—The members of the Board shall include individuals—

(i) who, as scientists and users of scientific information, are representative of diverse groups and entities, including States, academic institutions, businesses, environmental groups, citizens groups, and other appropriate organizations;

(ii) who have a distinguished record of service in their fields; and

(iii) who, among the scientific members of the Board, represent the diversity of scientific fields that study the environment.

(B) SELECTION OF CERTAIN GROUPS.—In making appointments under this subsection, the President shall seek to provide for representation on the Board of women, minority groups, and individuals recommended by the National Academy of Sciences, the National Academy of Engineering, and other groups.

(c) TERMS.—

(1) INITIAL TERMS.—Members initially appointed to the Board shall serve for the following terms:

(A) 6 members shall serve for an initial term of 2 years.

(B) 6 members shall serve for an initial term of 4 years.

(C) 6 members shall serve for an initial term of 6 years.

(2) SUBSEQUENT TERMS.—On completion of a term referred to in paragraph (1), each member of the Board subsequently appointed or reappointed shall serve for a term of 6 years, with a maximum of 2 consecutive terms for any member appointed under this section.

(d) ADMINISTRATION.—

(1) TRAVEL EXPENSES.—Each member of the Board who is not an officer or employee of the United States may receive travel expenses, including per diem in lieu of subsistence, in the same manner as travel expenses are allowed under section 5703 of title 5, United States Code, for persons serving intermittently in the Government service.

(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Board who are full-time officers or employees of the United States or Members of Congress may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(e) CHAIRPERSON.—The Chairperson of the Board shall be designated by the President at the time of the appointment. The term of office of the Chairperson shall be 6 years.

(f) MEETINGS.—The Board shall meet as needed at the call of the Chairperson or a majority of the members of the Board, but not less than 4 times a year.

(g) REPORTS.—The Board shall periodically submit to the President reports on such specific environmental policy matters as the Board, the President, or Congress determines to be necessary. After receipt of any such report, the President shall transmit the report to Congress in a timely fashion, together with any comments that the President considers to be appropriate.

(h) ADVISORY COMMITTEES.—The Board may establish such advisory committees as the Board considers necessary to carry out this Act.

SEC. 6. STAFF.

(a) DIRECTOR.—

(1) APPOINTMENT.—The Director of the Institute shall be appointed by the President by and with the advice and consent of the Senate.

(2) AUTHORITY.—The Director shall exercise all of the authority granted to the Institute by this Act, including any powers and functions delegated to the Director by the Board. All actions taken by the Director pursuant to this Act, or pursuant to the delegation from the Board, shall be final and binding on the Institute. The Director shall formulate programs consistent with the policies of the Institute and in consultation with the Board and any appropriate advisory committee established pursuant to this Act.

(3) PAY; TERM OF OFFICE.—The Director shall receive basic pay at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code, and shall serve for a term of 6 years.

(4) NSTC MEMBERSHIP.—Section 401(b) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6651(b)) is amended by inserting ", the Director of the National Institute for the Environment," after "the Director of the Office of Science and Technology Policy".

(b) ASSISTANT DIRECTORS.—The President may, on the recommendation of the Director, appoint such assistant Directors as the President considers necessary to carry out this Act.

SEC. 7. INTERAGENCY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established an Interagency Advisory Committee to ensure that the environmental efforts of the Institute and other Federal agencies are complementary.

(b) DUTIES.—It shall be the duty of the Interagency Advisory Committee established under subsection (a) to provide recommendations and advice to the Board to help to ensure that—

(1) the research priorities and agenda of the Institute support, rather than duplicate or compete with, the research agendas of existing Federal agencies;

(2) the knowledge assessment activities of the Institute incorporate knowledge obtained and possessed by other Federal agencies, and are useful to the agencies;

(3) information within the databases of other Federal agencies is available for incorporation into the information network of the Institute; and

(4) the educational programs of the Institute serve the needs of the United States.

(c) COMPOSITION.—

(1) IN GENERAL.—The Interagency Advisory Committee established under subsection (a) shall include directors of research (or individuals who hold a comparable position) from Federal agencies that conduct or use substantial quantities of environmental research, including—

(A) the Environmental Protection Agency;

(B) the National Oceanic and Atmospheric Administration;

(C) the National Science Foundation;

(D) the Department of Energy;

(E) the Department of the Interior; and

(F) the Department of Agriculture.

(2) EX OFFICIO MEMBERS.—The Director of the Office of Science and Technology Policy (or a designee of the Director) and the Director of the Office of Environmental Quality (or a designee of the Director) shall serve as ex officio members of the Interagency Advisory Committee.

(d) DURATION.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Interagency Advisory Committee established under subsection (a).

SEC. 8. FUNDING.

(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—The Institute may enter into contracts and cooperative agreements and provide financial assistance, including grants, to carry out the duties of the Institute under this Act.

(b) PERSONS ELIGIBLE TO RECEIVE FUNDING.—Scientists, engineers, and other researchers are eligible to receive funding from the Institute under subsection (a), except that—

(1) scientists from Federal agencies shall not be given a preference for funding based on their employment with the Federal Government; and

(2) the receipt of funding from the Institute shall be subject to any criteria and other requirements that are prescribed by the Institute.

(c) RECEIPT OF FUNDS FROM OTHER PERSONS.—The Institute may, subject to the approval of the Board, receive funds from other Federal agencies and private sector persons to carry out particular projects and activities under this Act. Funds received under this subsection shall be deposited in the Treasury and shall be made available to the Institute to the extent provided in appropriations Acts.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.●

EXCERPT FROM A SPEECH BY THE PRESIDENT OF CYPRUS, GLAFCOS CLERIDES

• Mr. SIMON. Mr. President, some years ago, I was a Member of the House of Representatives and had the opportunity to have breakfast with Mr. Glafcos Clerides, then a political leader in Cyprus and now the President of Cyprus.

Recently, the Ambassador from Cyprus to the United States, the Honorable Andrew Jacovides, gave me a copy of a speech given by President Clerides before the Parliamentary Assembly of the Council of Europe.

While it is a few weeks old, unfortunately, it is just as pertinent today as it was then.

I believe that President Clerides has the personality, the will, and the ability to provide leadership on the Greek side; and from my one-time meeting with the leader of the Turkish side, Mr. Denktash, I also believe that he has the ability to lead that side toward reconciliation.

What is clearly needed is approval of the government of Ankara.

I am sure Turkey is in a somewhat delicate situation and does not want to be perceived, in any way, as giving in to the Greeks. And yet the irony is that if Turkey improves her relationship with Greece and Armenia, it will help Turkey's position, in terms of the European Community, immensely.

If Yasar Arafat and Yitzak Rabin can reach across their gulf to shake hands, and move toward peace in the Middle East, and if F.W. deKlerk and Nelson Mandela can reach across their huge gulf to bring about an improved situation in South Africa, it is certainly not asking too much for the leaders of the two communities in Cyprus to reach across a much smaller gulf to shake hands and make peace in that area.

I hope significant steps can be taken.

In the meantime, I would urge that small steps be taken. We have been waiting too long for the big steps.

The reason that Jordan and Israel are able to move toward a peaceful resolution of their difficulties is the traffic that is taking place between the two countries for some time, even though there has been no formal recognition. There has been more traffic in 1 day between Jordan and Israel than there is in an entire year across the green line in Cyprus.

I suggest some modest steps that could be taken in a positive direction:

First, a small group of leaders on both sides of the green line should explore some small things that can be done to increase exchanges between the two sides. For example, I remember visiting on the Greek side at a school for the deaf that was doing woodworking. It was an impressive school. I asked the person in charge whether he would be willing to take students from the Turkish side, and he said he would. The numbers would not be great, but to have even a few students come over and have those who cannot speak to each other in formal language working together would be important to the nation. In a real sense they are almost an allegory for the two sides in Cyprus today, who cannot speak to each other. There are probably a half-dozen things like that involving only a very few people that could be arranged on both sides. In the scheme of things, it is not large, but it starts to thaw the ice a little bit.

Second, I assume there must be campuses in the United States, and perhaps in other countries, where there are both Greek Cypriot and Turkish Cypriot students. Every student at a university is not emotionally equipped to start taking on new ideas and build friendships, but there are those among each group who are willing to listen to reason, be less emotional, and who would commit themselves to try to understand the other side's position a little more. Getting a few students together on a regular basis—and I would suggest once a week on a campus—is not going to immediately change the climate or the political reality in Cyprus, but in the long run, it will help.

Third, I believe that Mr. Clerides and Mr. Denktash should agree that once every 2 months the two of them should get together for a visit, either in Cyprus, or New York, or some other mutually agreed upon place. I recall visiting Mr. Denktash after his son had been killed in an automobile accident and how moved he was by a gesture of friendship from Mr. Clerides at that time. This may seem to be a very small thing, but it is meaningful. And it means that there is at least a minimal fundamental understanding between the two men. Some may argue that their representatives have been getting together in New York and elsewhere. That is fine, but it is not the same thing as the two principles getting together.

Mr. President, I ask that President Clerides' speech be inserted into the RECORD at the end of my remarks, and I am taking the liberty of sending a copy of this statement to Mr. Clerides and Mr. Denktash; to Prime Minister Papandreou in Greece, and Prime Minister Ciller in Turkey; and to the Cyprian Ambassador to the United States, Andrew Jacovides.

I will be pleased to insert into the RECORD any response I receive from any of the parties.

The speech follows:

EXERPT FROM A SPEECH BY THE PRESIDENT OF CYPRUS, MR. GLAFCOS CLERIDES

Mr. President, having said the above I wish to take this opportunity to turn to the question of Cyprus and to stress that it is within this overall European orientation of our country that we try to promote the solution of the Cyprus problem.

I wish to state at the outset in the most emphatic and categorical manner, that my Government and I remain firm to our commitment to spare no effort to find a just and viable solution to the Cyprus problem and to make a success of the negotiations, which take place with the good offices of the Secretary-General of the United Nations as provided by United Nations Security Council Resolutions.

In line with that commitment, we have accepted the basic principle that the political solution of the Cyprus problem must allow the two ethnic communities to enjoy the maximum degree of autonomy in internal administration, permitting at the same time the bicommunal Federal Republic of Cyprus to have one international legal personality, territorial integrity, freedom from foreign forces on its territory, as provided by United Nations resolutions, entrenchment of the human rights in its constitution, compatibility of its constitution with the Acquis Communautaire and entry into the European Union.

The question that is in the mind of all international observers of the Cyprus situation is why has a solution escaped us for so many years.

Some international observers say that the failure to find a solution is because the recent history of Cyprus, both before independence and after independence, was such that because of the intercommunal conflict there is deep mistrust between the two communities. Others are of the opinion that the Cyprus problem from an intercommunal one has been complicated by the Turkish invasion of Cyprus and the continued occupation by Turkish forces of substantial territory of the Republic. There are also those who attribute the failure to the lack of political will to find a solution by the parties concerned.

That there is some mistrust between the two communities cannot be denied. The leaderships of both communities, in which I include myself, committed political mistakes in the past and it is a futile exercise to try to apportion blame and to throw accusations and counter accusations against each other. What is needed is to recognize the fact that both erred and to demonstrate the will not to repeat the mistakes of the past.

There can be no doubt that the Turkish invasion of Cyprus complicated the situation. As a result of that invasion one third of the Greek Cypriot population of the island were expelled from their homes and properties and were made refugees in their own country. One thousand six hundred and nineteen Greek Cypriots are missing, Under the protection of the Turkish occupation forces a separate state was declared in the North and continues to be maintained by Turkey, despite United Nations Security Council resolution 550 calling for its dissolution and calling on all United Nations members not to recognize it. Despite United Nations Security Council Resolution calling on both sides to avoid any acts which will change the demographic composition of the island, Turkey colonized the North by sending to Cyprus 80,000 Turks from Turkey, which were installed in the properties from which the Greek Cypriots were forced to leave. The Turkish forces built a military line across Cyprus thus forcing a military confrontation and preventing conduct between the two communities.

The massive military presence in Cyprus of 40,000 Turkish troops and 400 armour cars, with air cover and naval support, forces the Republic of Cyprus to maintain the National Guard, to purchase arms and seek military support and joint defense planning with Greece.

I believe that the time has come, if progress is to be made towards a solution of the Cyprus problem, to proceed to the demilitarization of the territory of the Republic. Having this in mind I addressed, on the 17th of December 1993, a letter to the Secretary-General of the United Nations making the following offer:

"There is no doubt that the massive presence of Turkish military forces in the occupied part of Cyprus creates serious anxieties and mistrust amongst the Greek Cypriot Community regarding Turkish intentions. It also imposes on the Government of the Republic the need to increase the defensive capabilities of the country by purchasing arms. Further it makes it necessary to request military help from Greece and to include Cyprus in the Greek defensive plans. There are also indications that the above preparations, though entirely defensive in their nature, are misinterpreted and cause anxiety and mistrust within the Turkish Cypriot Community regarding Greek intentions.

"After careful consideration, I came to the conclusion that in order to brake the counter productive climate of fear and mistrust and thus enhance the prospects of a negotiated settlement the Government of the Republic should take the following steps:

"(a) Repeal the National Guard Law, disband the National Guard and hand all its arms and military equipment to the custody of the United Nations Peace Keeping Force.

"(b) Undertake to maintain the Police Force of the Republic at its present numerical strength armed only with light personal weapons.

"(c) Undertake the total cost of a substantially numerically increased United Nations Peace Keeping Force.

"(d) Agree that the United Nations Peace Keeping Force will have the right of inspection to ascertain compliance with the above.

"(e) Agree that the National Guard armour cars, armour personnel vehicles and tanks, which will be handed to the United Nations Peace Keeping Force for custody, can be used by the United Nations Peace Keeping Force to patrol the buffer zone and to prevent intrusions in it.

"(f) Deposit in United Nations account all money saved from disbanding the National Guard and from stopping the purchase of arms, after deducting the cost of the United Nations Peace Keeping Force, to be used after the solution of the problem for the benefit of both Communities.

"The above offer is made provided the Turkish side agrees also that parallel to the above the Turkish Forces are withdrawn from Cyprus, the Turkish Cypriot armed forces disband and hand their weapons and military equipment to the custody of the United Nations Peace Keeping Force.

"I wish also to reaffirm what I have told Mr. Feissel before leaving for New York i.e. that I am ready to discuss the modalities regarding the implementation of the confidence building measures and of course the solution of the Cyprus problem.

"I hope Your Excellency, the Turkish side will respond positively to my proposal, otherwise the only logical inference to be drawn will be that the massive presence of Turkish forces is not for the alleged safety of the Turkish Cypriot Community, but for the perpetuation of the status quo which, as stated in your report, has been created by military force and is sustained by military strength and which the Security Council has deemed unacceptable. Such an inference will impose on my Government the need to substantially increase the defensive capabilities of the Republic and to enter into arrangements with Greece regarding a common defensive plan."

Regrettably Turkey rejected my proposal.

Coming now to the view that the failure of finding a solution of the Cyprus problem is due to the lack of the political will for a settlement by the Communities I have the following observations.

It is a fact that there is lack of political will by the Turkish side. The Secretary-General of the United Nations in his report to the Security Council document S/24830 of the 19th November 1992 stated that the effort to find a solution, despite the intensive efforts made, failed because the Turkish position was at variance with the set of ideas prepared by the Secretary-General and made it clear that there was a lack of political will by the Turkish side and that this was the major obstacle in reaching an agreed settlement.

The Secretary-General of the United Nations in his report of the 1st July 1993, document S/26026, informed the Security council that despite intensive efforts and preparatory work it was not found possible to secure acceptance by the Turkish side of the confidence building measures and that the leader of the Turkish Cypriot community had not promoted the acceptance of the package of the confidence building measures during his subsequent consultations in Ankara and Nicosia nor did he return to the joint meeting in New York as he had undertaken to do.

Today, almost a year later, the situation is as follows in the issue of the confidence-building measures: The Greek Cypriot side accepted the paper prepared by the Representatives of the Secretary-General of the 21st March regarding the implementation of the confidence building measures. Regarding the position of the parties the report of the Secretary-General of the 4th of April 1994 document S/1994/1330 states the following:

"The Leader of the Greek Cypriot community stated that, while he did not like many of the changes which had been introduced in the 21 March text, he was prepared to accept that revised text if the Turkish Cypriot leader would do likewise.

"Before leaving Cyprus on 23 March, Mr. Clark stated publicly that he had not received from the Turkish Cypriot side the agreement that he had hoped for on the implementation of the package. He stated that there was still time to reach an agreement before I had to submit my report to the Security Council and that he hoped that news would be received from the Turkish Cypriot side that would make an agreement possible. He stated that Mr. Feissel would remain in touch with both leaders.

"On 28 March, Mr. Feissel again met with the leader of the Turkish Cypriot community to pursue discussion to reach an agreement on the ideas for the implementation of the package of confidence-building measures. At the conclusion of this meeting, Mr. Feissel confirmed publicly that there had been no new developments and that the Turkish Cypriot side had not provided the response necessary to make an agreement on the implementation of the confidence-building measures possible."

From what has been stated so far, it is clear that the Secretary-General has warned the Security Council that—

(a) The unacceptable status quo is maintained by military forces.

(b) The failure to find a solution in November 1992 squarely falls on the Turkish side which did not have the political will to conclude an agreement which was within reach.

(c) The failure to agree to the implementations of the confidence-building measures in April 1994 also falls squarely on the Turkish side.

The Security Council has in its recent resolutions warned that if no progress is made it will consider alternative methods of promoting a solution. It is my firm belief that the time has come for the Security Council to decide to act. It must consider seriously the question of demilitarization because as long as there is a massive Turkish Occupation Force in Cyprus the Turkish side will continue to show lack of political will for a solution to the Cyprus problem and both communities will bear arms and live as potential enemies.

Despite Turkish opposition, Europe accepted our demand and appointed an observer in the talks. We are happy that his terms of reference are not only to keep the European Union informed if progress is being made and consequently which side is responsible for the lack of progress, but also to inform whether the solution discussed is compatible with the Acquis Communautaire. I believe also that it would give an impetus to the solution of the Cyprus problem if substantive talks for the accession of Cyprus to the European Union were to start without delay.

Mr. President, Members of the Assembly, ethnic differences, micro-nationalism and the problems of minorities gave a rude awakening to the euphoria that was created by the end of the Cold War. It now seems that if we don't take immediate and resolute action the issues of minorities and their rights, along with the emerging wider confrontation between cultures will be with us in the coming decades. Cyprus has every potential to be a model of success and a source of hope in our collective search for solutions. Problems of ethnic or other communities are not solved by partition and forced physical separation but by participation in democratic institutions and effective constitutional and judicial protection. Cyprus, at the crossroads of continents and civilizations can be a vital bridge of communication contributing to deconfrontation and understanding, provided that it is itself free of internal fragmentation and weakness.

It is or dream to solve the problem of Cyprus not only because this will be beneficial to both communities and to the people of Cyprus irrespective of language, religion or ethnicity but because we wish to bring Cyprus into the European Union as a state based on the European concept of democracy, freedom, justice, human rights and compliance with the rule of Law.●

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Delaware [Mr. ROTH] is recognized for 10 minutes.

THE NORTH KOREAN NUCLEAR PROBLEM

Mr. ROTH. Mr. President, the death of Kim Il-song this past weekend has made an already dangerous and uncertain situation on the Korean Peninsula even more menacing and unpredictable.

We should never mourn the passing of a dictator as brutal and malevolent as Kim. Yet with Kim's departure, we no longer know who, if anyone, is making decisions in North Korea.

Kim was a man who had a firm and unquestioned grip on the reins of

power. Over the course of a half century as North Korea's only leader, Kim created a personality cult so effective that he literally came to be revered as a god-king.

Kim Chong-il, son of Kim Il-song, appears on his way toward replacing his father. The elder Kim had been grooming him for two decades to assume the mantle of leadership, and more than 10 years ago, Kim Il-song designated him as his successor. Much doubt remains, however, over whether Kim Chong-il will be able to maintain power. He is an untested leader who commands very little of the respect accorded his father.

The United States has virtually no capacity either to influence the struggle for power within the North or to ameliorate any unrest that might arise in the midst of that struggle. Moreover, we have absolutely no ability to foretell the intentions of the North, even if Kim Chong-il successfully takes control. With Kim Il-song's death, a thick fog of uncertainty has descended over North Korea, both within its borders, and in its relations with the outside world.

Yet that fog has not obscured all the problems presented by the North—indeed, some have even been clarified. For example, our goals in Korea remain the same: We seek a peaceful, stable, and nonnuclear peninsula, a North Korea that lives up to all its obligations under the Nuclear Nonproliferation Treaty, and full implementation of the Joint North-South Denuclearization Agreement.

In addition, Kim's death has not changed the very limited timeframe we have available to settle the challenge posed by the North's nuclear program. Pyongyang made clear last month that the protective cladding on its spent nuclear fuel rods will deteriorate and begin to pose a serious safety hazard by the end of August.

At that point North Korea will have to do something with the fuel, including, for example, reprocessing the fuel. Of course, weapons-grade plutonium will incidentally be produced as a result of reprocessing. But so long as International Atomic Energy Agency officials oversee the reprocessing and certify that the North maintains "continuity of safeguards,"—an expression of magnificent vagueness—it will not have compromised its obligations under the Nuclear Nonproliferation Treaty.

The stakes in our confrontation with the North remain as high, if not higher, than ever. To begin with, should we allow Pyongyang to fulfill its nuclear ambitions, the NPT, coming up for renewal next year, would be rendered irrelevant.

Moreover, all of East Asia would be destablized by a nuclear North Korea. Should Pyongyang be permitted to continue its nuclear weapons program, a regional nuclear arms race, including the two Koreas, Japan, and Taiwan, would almost assuredly ensue. With China and Russia already possessing nuclear weapons and historical, territorial, and political disputes festering among and between all six countries, East Asia would become a terribly dangerous place.

So too might other regions of the world as Pyongyang can be expected to become a willing seller not only of the technology of nuclear weapons production, but even of the weapons themselves. Given the country's impoverishment and its history of unreserved weapons sales to rogue states, the Libyans, the Iraqis, the Iranians, and any number of terrorist organizations would suddenly have open access to the ultimate weapon of diplomatic blackmail.

Of course, even if North Korea were not capable of producing nuclear bombs, Pyongyang's conventional weapons capabilities alone are enough to give one pause. The area around the military demarcation line dividing North and South is the most militarized terrain on the entire planet.

If the worst were to occur, and war were to break out on the Korean peninsula, America's 37,000 troops stationed in the South would be treaty-bound to fight alongside the South Koreans. United States and Republic of Korea forces would certainly achieve victory, but at indeterminable cost. North Korea fields a military of at least 1.2 million, with 65 percent of its forces offensively positioned on the demilitarized zone just 30 miles from Seoul. Pyongyang maintains the world's biggest special operations forces, has a large ballistic missile arsenal, and has produced chemical and biological weapons. Its massive artillery formations have the potential of blanketing the South with as many as 20 million shells each day.

In the last Korean war, 54,000 Americans lost their lives, as did as many as 4 million others—South Koreans, soldiers from the more than a dozen member countries of the U.N. force involved in the conflict, North Koreans, Chinese, and Soviets. Another war could easily cost as many lives, if not more.

Beyond the enormous, tragic human loss that would result from war, further potential dangers loom—economic chaos, perhaps an irreparable break in the United States-Japan alliance.

Economic growth throughout East Asia—a key to global prosperity—would suffer a severe setback. Even if North Korea were to collapse simply from internal stresses rather than war, reconstructing Pyongyang's economy could cost anywhere from $300 billion to $1 trillion. Obviously, if war were to break out, the costs of the conflict and of reconstructing both Koreas would be far greater, certainly enough to have very negative consequences for the global economy.

A war on the Korean peninsula also poses grave problems for United States-Japan relations. It is important to note that in defending South Korea, the United States implicitly would be defending Japan. As Tokyo has consistently noted in its annual Defense White Papers, the presence of United States forces in South Korea and our commitment to defend the South contributes to peace and stability throughout all northeast Asia, including Japan.

Yet Japan has not only steadfastly avoided serious public discussion of the problems posed by the North, its weak political leaders languish in esoteric legal debate over what Japan can and cannot do should economic sanctions be imposed on the North, a blockade instituted, or conflict break out.

Under currently accepted interpretations of the Constitution, if war did erupt, Tokyo would be forbidden from putting its forces on the line—except in the unlikely event that Japan were directly attacked by North Korea. Thus, Japan's 700 fighter planes, its state-of-the-art antisubmarine technology, its minesweepers, and its personnel would sit idly by as Americans and Koreans lost their lives, partly to protect Japan.

When the war was over, and the accounting done, Americans would undoubtedly consider Japan an untrustworthy ally. We would ask why our sons and daughters had to die defending a country that assumed little or no risks itself, a country, moreover, that is so often viewed as having taken economic advantage of the United States for decades. Japanese impotence in the face of a war fought partly on its behalf could well push the crucial bilateral relationship to the breaking point.

The goals, timetable, and stakes involved in the confrontation on the Korean peninsula suggest a number of actions we and our allies should undertake.

First, while we should give a negotiated solution as much chance as possible, we must recognize the severe time constraints we face. We must, therefore, immediately and comprehensively define the "freeze" North Korea claims to have placed on its nuclear program. At a minimum, that definition must prevent North Korea from reprocessing any more nuclear fuel. It must include a freeze on the construction of the second unfinished reprocessing line, two partially completed nuclear reactors, and the fuel rods needed for those reactors. It must also permit an IAEA inspection regime that can fully verify the freeze remains in force. In addition, we must make it absolutely clear to the North Korea regime that should they initiate a war, that conflict will only end when that regime and their country are destroyed.

Second, given the enormous military costs we face on the Korean peninsula

I believe United States preparations intended to deter North Korean aggression should be sped up, though in such a way that we do not provoke the North into starting a conflict. We owe it to our 37,000 troops stationed in South Korea to give them the best means possible to defend themselves.

I believe the following steps should be considered: enhanced counter-fire capabilities; an increased readiness posture of United States forces; deployment of additional troops, fighter aircraft, Apache helicopters, and a carrier battle group; the prepositioning of bombers, tankers, and stocks in the region; upgraded intelligence collection and sharing with South Korea; delivery of additional antitank weapons and precision-guided munitions; enhancement of defenses against chemical and biological weapons; deployment of additional mine countermeasure assets and antimissile systems; and actions to ensure compatibility of command, control, and communication systems between United States and Korean forces.

Third, the administration must make a concerted effort to explain to the American people the vital interests we have at stake on the Korean peninsula, the risks we face, and the reasons we are willing to take those risks to protect our interests.

Fourth, we should do all we can to work as closely as possible with all those countries that share our interest in addressing the North Korea problem—South Korea, Japan, China, and Russia. The United States must be mindful, however, of sensitive circumstances Japan and China face in this situation.

Japan's Constitution, for example, is nearly sacrosanct, and the Japanese public has understandable, historically based reasons for its strong pacifism. Yet Japan must address the tangle of legal and constitutional obstacles to its participation in applying sanctions, a blockade, or engaging in a military conflict with North Korea, as soon as possible and certainly before a crisis erupts in Korea. If not, the United States-Japan relationship could be put in grave danger.

China is being pushed in two directions, but it should be in their interest to join us in creating a peaceful and nonnuclear Korean peninsula. A nuclear arms race in northeast Asia would pose a direct threat to China. A war on the peninsula would wreak havoc on the regional economy in which China is a central player. At the same time, however, 900,000 Chinese troops fought with the North during the Korean war. In addition, North Korea remains one of the last redoubts of communism.

Time is of the essence if we are to solve the Korean peninsula. Clearly we cannot wait for a resolution of the power struggle in Pyongyang before we act. The stakes are simply too high.

Mr. President, I yield the floor

Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JULY 14, 1994

Mr. FEINGOLD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:45 a.m. Thursday, July 14; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the time until 9:30 a.m. under the control of Senators DOMENICI and MIKULSKI or their designees, with Senator CAMPBELL recognized for up to 10 minutes and Senator BRADLEY for up to 20 minutes; that at 10 a.m. the Senate resume consideration of H.R. 4426, the Foreign Operations appropriations bill; that the vote on or in relation to the Helms amendment No. 2253 occur at 11:30 a.m.

The PRESIDING OFFICER. Do I hear objection? The Chair hears none, and it is so ordered.

RECESS UNTIL 8:45 A.M. TOMORROW

Mr. FEINGOLD. Mr. President, if there is no further business to come before the Senate today—I see no other Senator seeking recognition—I now ask unanimous consent the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:30 p.m., recessed until Thursday, July 14, 1994, at 8:45 a.m.

NOMINATIONS

Executive nominations received by the Senate July 13, 1994:

THE JUDICIARY

MICHAEL A. HAWKINS, OF ARIZONA, TO BE U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE THOMAS TANG, RETIRED.

WILLIAM T. MOORE, JR., OF GEORGIA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF GEORGIA VICE ANTHONY A. ALAIMO, RETIRED.

HOUSE OF REPRESENTATIVES—*Wednesday, July 13, 1994*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We know, O gracious God, that Your ways are above our ways and Your spirit above our spirits. Yet, we know too that You are with us in all the moments of life—in joy and sorrow, in struggle and in tranquility. When our plans go amiss, give us patience; when we miss the mark, correct us; and when we grow weary of the disappointments that certainly come to each person, grant us that peace that passes all human understanding, for You are our Creator and the sustainer of all our lives. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. TRAFICANT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. TRAFICANT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 241, nays 149, not voting 44, as follows:

[Roll No. 318]

YEAS—241

Abercrombie	Brooks	Coppersmith
Ackerman	Browder	Costello
Andrews (ME)	Brown (FL)	Coyne
Andrews (NJ)	Brown (OH)	Cramer
Andrews (TX)	Bryant	Darden
Applegate	Byrne	de la Garza
Bacchus (FL)	Cantwell	Deal
Baesler	Cardin	DeFazio
Barca	Carr	DeLauro
Barlow	Castle	Dellums
Barrett (WI)	Chapman	Derrick
Bateman	Clayton	Deutsch
Beilenson	Clement	Dicks
Berman	Clyburn	Dingell
Bevill	Coleman	Dixon
Bilbray	Collins (IL)	Dooley
Bonior	Combest	Durbin
Borski	Conyers	Edwards (CA)
Brewster	Cooper	Edwards (TX)
English	Kreidler	Rahall
Eshoo	LaFalce	Rangel
Evans	Lambert	Reynolds
Everett	Lancaster	Richardson
Farr	Lantos	Roemer
Fazio	LaRocco	Rose
Fields (LA)	Lehman	Rostenkowski
Filner	Levin	Roybal-Allard
Fingerhut	Lewis (CA)	Rush
Fish	Lewis (GA)	Sabo
Flake	Lipinski	Sanders
Foglietta	Lloyd	Sangmeister
Frank (MA)	Long	Sarpalius
Frost	Lowey	Sawyer
Furse	Maloney	Schenk
Gejdenson	Mann	Schumer
Gephardt	Margolies-Mezvinsky	Scott
Gibbons	Markey	Serrano
Gillmor	Martinez	Sharp
Gilman	Matsui	Shepherd
Glickman	Mazzoli	Sisisky
Gonzalez	McCloskey	Skaggs
Gordon	McDermott	Skelton
Green	McHale	Slaughter
Greenwood	McKinney	Smith (IA)
Gutierrez	McNulty	Smith (NJ)
Hall (OH)	Meehan	Spratt
Hall (TX)	Meek	Stark
Hamburg	Menendez	Stenholm
Hamilton	Mfume	Stokes
Harman	Miller (CA)	Strickland
Hastings	Mineta	Studds
Hayes	Minge	Stupak
Hefner	Moakley	Swett
Hilliard	Mollohan	Swift
Hinchey	Montgomery	Synar
Hoagland	Moran	Tanner
Hochbrueckner	Murtha	Tauzin
Holden	Myers	Thompson
Houghton	Nadler	Thornton
Hoyer	Neal (MA)	Torres
Hughes	Oberstar	Torricelli
Hutto	Olver	Towns
Hyde	Ortiz	Traficant
Inglis	Orton	Tucker
Inslee	Owens	Unsoeld
Jefferson	Pallone	Velazquez
Johnson (GA)	Parker	Vento
Johnson (SD)	Pastor	Visclosky
Johnson, E.B.	Payne (NJ)	Volkmer
Johnston	Payne (VA)	Waters
Kanjorski	Pelosi	Watt
Kaptur	Penny	Waxman
Kasich	Peterson (FL)	Wheat
Kennedy	Peterson (MN)	Williams
Kennelly	Pickett	Wilson
Kildee	Pickle	Wise
Kingston	Pombo	Woolsey
Kleczka	Pomeroy	Wyden
Klein	Poshard	Wynn
Klink	Price (NC)	Yates
Kopetski		

NAYS—149

Allard	Callahan	Fowler
Archer	Calvert	Franks (CT)
Armey	Camp	Franks (NJ)
Bachus (AL)	Canady	Gallegly
Baker (CA)	Clay	Gekas
Baker (LA)	Coble	Gilchrest
Ballenger	Collins (GA)	Gingrich
Barrett (NE)	Cox	Goodlatte
Bartlett	Crapo	Goodling
Barton	Cunningham	Goss
Bereuter	DeLay	Grams
Bilirakis	Diaz-Balart	Grandy
Bliley	Dickey	Gunderson
Blute	Dreier	Hansen
Boehlert	Duncan	Hastert
Boehner	Dunn	Hefley
Bonilla	Ehlers	Herger
Bunning	Emerson	Hobson
Burton	Fawell	Hoekstra
Buyer	Fields (TX)	Hoke
Horn	Meyers	Sensenbrenner
Hunter	Mica	Shaw
Hutchinson	Michel	Shays
Inhofe	Miller (FL)	Shuster
Istook	Molinari	Skeen
Jacobs	Moorhead	Smith (MI)
Johnson (CT)	Morella	Smith (OR)
Kim	Nussle	Smith (TX)
King	Packard	Snowe
Klug	Paxon	Solomon
Knollenberg	Petri	Spence
Kolbe	Portman	Stearns
Kyl	Pryce (OH)	Stump
Lazio	Quillen	Sundquist
Leach	Quinn	Talent
Levy	Ramstad	Taylor (MS)
Lewis (FL)	Ravenel	Taylor (NC)
Lewis (KY)	Regula	Thomas (CA)
Lightfoot	Roberts	Thomas (WY)
Linder	Rogers	Torkildsen
Livingston	Rohrabacher	Upton
Lucas	Ros-Lehtinen	Vucanovich
Machtley	Roth	Walker
Manzullo	Roukema	Walsh
McCandless	Royce	Weldon
McCollum	Santorum	Wolf
McHugh	Saxton	Young (FL)
McInnis	Schaefer	Zeliff
McKeon	Schiff	Zimmer
McMillan	Schroeder	

NOT VOTING—44

Barcia	Ewing	Neal (NC)
Becerra	Ford (MI)	Obey
Bentley	Ford (TN)	Oxley
Bishop	Gallo	Porter
Blackwell	Geren	Reed
Boucher	Hancock	Ridge
Brown (CA)	Huffington	Rowland
Clinger	Johnson, Sam	Slattery
Collins (MI)	Laughlin	Tejeda
Condit	Manton	Thurman
Crane	McCrery	Valentine
Danner	McCurdy	Washington
Doolittle	McDade	Whitten
Dornan	Mink	Young (AK)
Engel	Murphy	

☐ 1025

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Minnesota [Mr. RAMSTAD] will lead the House in the Pledge of Allegiance.

Mr. RAMSTAD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PERSONAL EXPLANATION

Mrs. THURMAN. Mr. Speaker, this morning I was having a meeting in my office during the vote on the Journal, No. 318. The bell system in my office was not operating properly. When I realized that a vote was occurring, I hurried to the Capitol but arrived just after the vote closed. I want the RECORD to reflect that I would have voted "aye."

IMPROVEMENTS MADE DURING CLINTON ADMINISTRATION

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, watching our 1-minutes yesterday, I was amazed at the distorted perception and the short-term memories of my Republican colleagues. I would like to remind all of my colleagues today and the American people of the progress that has been made in our economy over the past year and the improvements that have been made under the Clinton administration.

For the first time in 12 years, our Tax Code actually reflects some fairness. Fifteen million taxpayers received a tax cut this last April 15. Over 3 million jobs have been created since January 1993, and the economic forecasts predict future growth.

Those who claim that the economy was improving before the Democrats took control are the same ones who said last year that the President's economic plan would cripple our economy. Here we are over 1 year later and the only thing that is crippled is that same old tired rhetoric that we heard yesterday. The projected deficit as a share of gross national product is down almost half. We need to brag about America. We need to brag about what good is happening in Congress and this administration instead of just listening to the naysayers.

UNANSWERED QUESTIONS IN DEATH OF VINCE FOSTER

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, there are several unanswered questions in special counsel Robert Fisk's report on the White House lawyer's death, Mr. Vince Foster.

First, who moved Vince Foster's body?

Second, blonde hair, not Mr. Foster's, was found on the body. Whose hair was it?

Third, carpet and other wool fibers were found on the body. Where did this come from?

Fourth, semen was found on his underwear. Did he have a sexual encounter between 1 and 5 the day he died and, if so, with whom and, if so, it is hard to understand the state of mind of someone thinking about sex and committing suicide at the same time.

Fifth, why were there no skull fragments found at the park?

Sixth, all kinds of bullets were found at the site using modern technology, but not the one that killed Mr. Foster.

Seventh, why was the gun in Mr. Foster's right hand when he was left-handed?

Eighth, why did the man who found Foster's body say there was no gun in either hand when he found the body?

□ 1030

Mr. Speaker, tonight we will go into more detail about why the President's people invaded Vince Foster's office right after his death. There are a lot of questions that need to be answered.

GOOD NEWS FOR AMERICAN FAMILIES

(Mr. MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. MILLER of California. Mr. Speaker, there obviously are no depths to which our colleagues will not seek to try to make points. It is very unfortunate for Vince Foster's family that the gentleman from Indiana would take on like that.

But in spite of him and in spite of his attacks on the President to try to derail what was announced today in the Los Angeles Times and papers all across the country, there is good news for Americans. There is good news for American families and for American workers.

The fact is, because of the President's economic plan, we see that we will achieve almost $700 billion in deficit reduction over the next 5 years as opposed to the $500 billion that we had anticipated when we passed the President's plans with no Republican votes. Not a single Republican would belly up to the bar to cast a vote that turned out to be real deficit reduction.

After 12 years, they were so used to talking about deficit reduction and not doing anything about it, they thought that is the way you would achieve it.

This President inherited a deficit that was out of control, and now we see the deficit reduction will far exceed, far exceed anything that anybody had anticipated.

And where is it coming from? It is coming because more Americans are going back to work, because lower interest rates have allowed corporations to reschedule their debt and able to hire more people and invest in new jobs. That is what the President promised, and that is what the President is delivering.

HEALTH SECURITY EXPRESS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the health security express is gearing up and coming to Washington.

Organized by the White House and liberal special interest groups, this express will bus in thousands of activists late this summer to lobby for the passage of the Clinton health care bill.

It is not certain if they will take Greyhound, but their motto will surely be "Leave your health care to U.S.," as in the U.S. Government.

Most Americans, though, do not want to get on this express.

They do not want their health care quality run off the road. They don't want the Government to make the choices on what doctor to see. And they do not trust the Government to control one-seventh of the economy.

In fact, President Clinton's health care reform plan is so unpopular, polls show that most folks would rather wait for the Congress to pass a better bill.

Mr. Speaker, the health security express is getting ready to come to Washington. Most Americans, though, would prefer it stay home.

THE ECONOMY IS ON THE MOVE AGAIN

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, today I am proud to join my colleagues to talk about the budget that we passed last year and the positive effects of that budget.

Today, the Office of Management and Budget will release its mid session review of the budget. The numbers show an economy on the move again. Last year, we made the tough choices, passed a budget package that has created jobs, lowered the deficit, cut spending, and cut taxes. A budget that has put people first again.

We have created jobs—6,398 private sector jobs a day. We have lowered the deficit. And it is not going to be the $500 billion once projected but $700 billion over the next several years. We have reduced the deficit 2 years in a row for the first time in two decades.

We have cut spending and cut the bureaucracy. Spending is projected to be lower during the Clinton administration than during either the Bush or Reagan administrations. More than 115 programs have been eliminated from the 1995 budget.

We have cut taxes for millions of Americans. The earned income tax credit rewards work and cuts taxes for 15 million working families who make less than $27,000 a year.

Yes, there is still much work to be done. But those of us who stood with the President and made the tough choices last year can be proud today that both our economy and our priorities are back on track.

CURRENT HEALTH CARE SYSTEM CAN BE FIXED

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker and my colleagues, these Clinton-like health

care bills about to come to this floor all have one central thesis: "Let's make employers pay for it." It is because we do not have the honesty to ask the American people to pony up this money. We cannot afford it. We have got a burgeoning budget deficit, so let us just make somebody else pay for it: employers.

But employers are not going to pay for it. It is estimated that 1 million to 3 million Americans would lose their jobs if the Clinton health care bill were to become law. Another 23 million American workers are going to see reduced wages and reduced benefits because of the effects of this Clinton health care bill on their employers.

And so it is not America's employers who are going to pay, it is America's employees. As much as we want to help every American get health care, I do not know many workers in my district or around this country who want to give up their job, to give up their benefits or their wage increases so that others can have health care.

We can fix the problems in the current system without big Government-run health plans.

UNITED STATES HOUSING AID FOR RUSSIAN SOLDIERS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, reports say Uncle Sam has offered Russian soldiers $25,000 to buy a house if they would leave the Baltics.

Now, if this is correct, ladies and gentlemen, what is next? How about Haiti; we just send Cedras to Las Vegas and slip in Aristide? Or how about just take the North Korean Politburo, send them to Disney World and stop all the nuclear weapons? Or just bribe everybody in Bosnia to stop fighting?

Unbelievable. But what gets me, $25,000 for every Russian soldier to buy a house is called diplomacy. But to try and help an American soldier whose base closed and is losing their job, that is called pork.

Beam me up. I say tell Bully Boris to get out of the Baltics. If we have any money to spend, Congress, spend it and help the American soldiers losing their jobs and tell the Russians to develop a market economy. They will like it.

MANDATES: ANOTHER TAX ON WORKERS

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, we have heard a lot of, I guess, reconstructionist history over the last year about tax increases and who pays and who does not. We have also heard the same stories about job creation.

But we ought to realize where jobs come from in the last year has been out of the tough economic decisions of small businesses and their competitiveness in being able to put people to work.

Well, there is no shortage of economic studies that find massive job losses resulting from any imposition of employer mandates to small businesses to fund the Clinton health care plan.

A survey of 40 studies found estimates running from 600,000 to 3.8 million jobs destroyed by the imposition of what should be called by its true name: a new payroll tax.

Mandate is just another bogus term concocted by the White House spin doctors to hide the true nature of their proposals which, as usual, are yet another tax hike on the middle and working class.

THE LINE-ITEM VETO

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, last year on April 29, 1993, the House passed the line-item veto by a vote of 258 to 157. A year and 3 months later, we are still waiting for action by the other body.

Therefore, I call upon the other body to act upon the line-item veto.

The line-item veto is an essential tool in restoring fiscal responsibility. When we were sent to Washington with a mandate to cut the deficit, and I have cast the tough votes to reduce the deficit, through the President's deficit-reduction package, plus an additional $68 billion, though the deficit is on the way down, we still need fiscal responsibility and accountability.

Getting the line-item veto to the President will go even further in reducing unwarranted spending and increase the accountability of both the legislative and executive branches of Government.

This week I urge everyone to support the line-item veto. This initiative is a major step in providing reductions in spending that my constituents in northern Michigan and throughout the Nation are asking for.

DO NOT RISK UNITED STATES LIVES IN HAITI

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, I could not sleep at all last night.

I was haunted by the rumors swirling around the Capitol of an imminent United States invasion of Haiti. I was haunted by a call I received yesterday from the mother of a young Air Force pilot in my district sent to Puerto Rico on a couple of hours notice "to be on the highest alert."

Mr. Speaker, I could not answer that young pilot's mother when she asked me, "Why?

"Why invade Haiti when the President has yet to define any American national security interest?

"Why risk American lives when even former President Aristide said recently, 'I am against a military invasion.'"

Mr. Speaker, considering the cost of an invasion in blood and money, not to mention the danger and expense of a long-term peacekeeping force, I hope and pray the President revives the diplomatic effort and rejects the plan for a United States military invasion of Haiti.

Otherwise many other American mothers will be calling us to ask, "Why?"

□ 1040

AMERICANS WANT UNIVERSAL HEALTH CARE COVERAGE NOW

(Mr. BILBRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, I have heard the comments of my colleagues on the other side of the aisle on health care. I do not know who they are talking to out there; probably going to the country club and sitting down with their high-paid executives talking about why health care and mandatory employer mandates will not work.

But let me tell you, I talked to the people out there. I will tell you, people take me by the arm and say, "Congressman, we need help." Twenty-six percent of Nevadans have no health care, and it is growing; 17 percent nationally.

People want health care, and they do not want to wait until the next Congress, they want it now. We are willing to work with our colleagues from the other side of the aisle to try to find a solution to make sure health care works and that we get everybody in this country covered, we keep costs down, and make sure Americans receive what other people in other industrialized nations do: Medical care that is guaranteed, universal, and you cannot take it away, and prior existing conditions are not precluded. We need this kind of help, we need this help from both sides of the aisle. And you are kidding yourselves if you think the American people do not want universal health care; they do. They want it now, not a year from now, not 5 years from now and not 10 years from now.

BLOWING IN THE WIND

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, recently I learned that the Justice Department

has an opinion line. Dial 1-800-LINE-2-AG, and you can pass on your opinions to Janet Reno about anything at all; justice by polling. I can just see the new Statue of Justice: She is still blindfolded, still has her scale, but on the other hand she is holding her index finger raised high in the wind to see which way the wind is blowing. But on second thought, Mr. Speaker, if we are going to do justice by polling, why not make a little money from it with a 900 number?

Jeffrey Dahmer is up for sentencing. How about 1-900-HANG-HIM? S&L crooks getting away with it? 1-900-BAIL-OUT. Important Congressmen stealing from the taxpayer? 1-900-PORK-PIE.

Mr. Speaker, the Justice Department has been badly politicized under the current administration. Everyone knows that. But do we have to be so obvious about it?

IN SUPPORT OF A REQUIREMENT FOR INFANT SAFETY RESTRAINTS ON AIRPLANES

(Mrs. UNSOELD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. UNSOELD. Mr. Speaker, one of the victims of last week's tragic USAir crash in Charlotte, NC, was a 9-month-old baby flying unrestrained on her mother's lap. The mother, who survived with injuries, tried with all her might to hold on to her daughter. She simply could not do it.

You may think larger person—a stronger person—could have held on to that baby. Think again. During a crash landing, a 30-pound child feels more like a 480-pound weight, 480 pounds.

Clearly, the Federal Aviation Administration recognizes the risk parents take by flying with infants on their laps. That is why the FAA recommends infants be secured during take off and landing. But they cannot bring themselves to require it. That is right—they require that you, the other passengers, the flight attendants, the pilot, the bags in the overhead compartment and the soda cans in the kitchen be secured, but not your infant. This is crazy—and it can be deadly.

All I am asking is that children under the age of 2 be given the same protections as you or I. Please support the youngest and most vulnerable of your constituents. Think of their futures. Support H.R. 1533, legislation Representative LIGHTFOOT and I introduced to require infant safety restraints on airplanes. Better still, urge the FAA to take the initiative to require infant restraints without an act of Congress.

CAMPAIGN MODE ON HEALTH CARE REFORM

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the White House and congressional Democrats are deep in campaign mode on health care. They are preoccupied with damage control in 1994 congressional elections and saving the Clinton Presidency in 1996. That is understandable if you look at the polls. Sunday's New York Times reports that Democrats view health care reform as a do-or-die issue. Chairman of the DCCC, VIC FAZIO, says, "Health care will be the key to the 1994 elections. It will play to our advantage only if we use every aspect of the debate to reinforce our key overall political/economic message." Maybe that is why Democrats are meeting behind closed doors among themselves: They want to insure total control of this health care debate. But Americans want open debate and they want a bipartisan solution. They do not want what Mark Mellman, a Democratic strategist, is urging: "What Members of Congress need to do is to say they are supporting universal coverage but will be different in significant ways." That is a quote from the New York Times of Sunday. That is doublespeak, it is talking out of both sides of your mouth, and it is a Democrat speaking.

Mr. Speaker, we need open debate for all to see on health care. It is too important to do otherwise.

THE DEMOCRATIC ECONOMIC PLAN IS WORKING

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, for a dozen years, the Republican Party talked about reducing the deficit. They talked about reining in Federal spending. They talked about making our Government fit the reality of our pocketbooks.

But for a dozen years, there was too much talk, and not enough action.

The deficit swelled. Spending soared. The Republicans, for all their tough talk, brought us right to the brink of bankruptcy.

Then President Clinton and the Democrats in this Congress decided it was time to put America's house in order. Just yesterday, the Office of Management and Budget shared the results of that 18-month effort. And the results are dramatic:

Federal spending, as a percentage of our gross domestic product, is lower than under Bush or Reagan.

By the end of this decade, we will have slashed almost 275,000 Federal positions, making the Federal work force smaller than it has been since the Kennedy administration.

By next year, the deficit, as a percentage of national income, will be half as big as it was when Bill Clinton took office.

Next year will be the first time the deficit has gone down for 3 years in a row since the buck stopped on Harry Truman's desk.

The Republicans called our economic plan a job killer. They said it was a one-way ticket to a recession. Not a single Republican voted for it.

So the real question is: When will the Republicans give us credit for doing what they could not do for 12 long years? When will they stop carping about the Democratic economic plan, and start working with us to keep this Nation on the road to recovery?

THE DOC HOLIDAY SCHOOL OF MEDICINE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the administration has obviously taken a page from the Doc Holiday School of Medicine by shooting from the hip and attacking Congress for its health care coverage.

But a Roll Call editorial states that the plan covering Congress and all Federal workers "is more attractive than Mrs. Clinton's own proposal."

It goes on to state that the Federal employee plan offers "a choice of about 300 different health insurance plans, whereas the Clinton plan guarantees a choice of only 3. Federal employees will lose their breadth of coverage if the Clinton plan is enacted. If Mrs. Clinton were truly interested in giving all Americans the same insurance that Congress has, she would favor one of several bills to allow employers and ordinary citizens to buy into the Federal plan."

Interestingly enough, Republican health care bills would allow the choice option to continue, while the Clinton plan would end it.

It would seem that the White House has once again either misdiagnosed or misprescribed the illness. No wonder they do not want America to be able to get a second opinion from Republicans.

MEDICAL MALPRACTICE REFORM

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, imagine if every time consumers went to the doctor they had to write three checks to pay the bill, one to the physician, and then one to the lawyer, and one to the liability insurance company. Do you think consumers would tolerate this if they knew the costs? They certainly would not.

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If you told those same consumers that serious medical malpractice reform would save them $500 per hospital stay, they would wonder what is taking us so long to correct this problem.

Medical malpractice reform, would bring down the costs of hospital stays, reduce the cost of medical liability insurance, and reduce the rate of defensive medicine. But, amazingly enough, there is no real medical malpractice reform in any of the health care reform bills reported by the House committees. That is why I am going to introduce the Medical Malpractice Fairness Act of 1994 later this week.

In fact, former Vice President Dan Quayle has strongly endorsed this legislation and urged its passage this year because unlike other proposals before Congress, this legislation is true reform that Americans want, need, and demand.

Mr. Speaker, I strongly urge my colleagues to become original cosponsors of the Medical Malpractice Fairness Act of 1994.

□ 1050

FRAUDULENT CLAIMS FOR THE EARNED INCOME CREDIT

(Mr. LEHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN. Mr. Speaker, I rise in support of H.R. 4225, legislation which will be an important first step toward much-needed welfare reform for low-income working Americans. There is no question that current mechanisms for helping recipients must be tightened as an integral part of any major changes in the system.

The earned income credit [EIC] is a refundable tax credit for people with children who have an income less than $23,050. The EIC was established to increase the amount of income which low-income workers keep after taxes. The credit allows welfare families to work their way out of poverty and off the welfare program. However, the EIC can be abused when the IRS allows certain filers who provide incomplete or erroneous information to receive the credit.

While studies have shown that the earned income credit is an effective means of boosting low-income earners who work, they have also shown that nearly 1 in 3 of the 12.6 million families who received the EIC in 1990 may have been ineligible for it. As the EIC expands from an estimated $12 billion this year to about $25 billion in 1998, we must be sure that only eligible workers are receiving this tax break.

Specifically, this legislation requires the IRS to verify the taxpayer and dependent identification number before they can receive the credit—no number, no credit. We should not move on to new and costly welfare programs before we fix the responsibility and accountability of existing multibillion-dollar programs for low-income Americans.

Mr. Speaker, I urge my colleagues to support this timely legislation.

BUMBLING FOREIGN POLICY INTENSIFYING HAITIAN CRISIS

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute.)

Mr. MILLER of Florida. Mr. Speaker, I rise today to express my dismay over the current United States policy toward Haiti. It appears that for the first time in U.S. history pure ineptness on the part of the administration is being used as the rationale for sending young marines into harm's way.

Last week, the policy du jour approach to foreign policy took on new meaning when we literally announced three separate Haiti policies in 3 days. Our cruel sanctions policy has not worked—in fact it intensified the refugee crisis. Our promise to give asylum to Haitians did not work—it only sent more Haitians onto those overcrowded, dangerous boats. And the American people were forced to suffer the indignity of the Panamanian President telling Bill Clinton no Haitians would be allowed in Panama. This refugee crisis was created by the pure bumbling of Bill Clinton's foreign policy team, and now that crisis is being used as a rationale for invasion.

But before they think that invasion will solve their problems, let us remember how the Clinton administration's ineptness led to loss of life in Somalia 10 months after the invasion. I do not believe Bill Clinton should attempt to solve his public relations problems on the backs of U.S. Marines.

AMERICA'S HEROES

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, I rise today to pay tribute to some of the most selfless men and women in our country, our emergency responders. Last week, on July 6, 14 firefighters gave their lives in the line of duty as they fought a forest fire in Glenwood Springs, CO. These men and women were among the best our country has to offer. In this case, Mr. Speaker, they came from the elite U.S. Forest Service firefighting groups including the Smokejumpers, the Helitacks, and the Hotshots. Fourteen of the fifty-two firefighters on that Colorado ridge did not escape, including nearly half of the Preneville, OR, Hotshots.

Fires, floods, hurricanes, tornados, earthquakes, manmade disasters are handled every day in this country by the 1½ million men and women who are our bravest Americans. In honor of these 14 fallen heroes, Mr. Speaker, let us recommit ourselves to the fullest possible support of America's domestic defenders.

WHAT ARE THEY AFRAID OF?

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, something must be said about the coverup that is going on here in Washington. I ask my colleagues, Did you see the paper this morning? There was an article entitled "Congress to Shield Whitewater Papers." I commend this article to every Member of Congress.

Mr. Speaker, this is a very serious situation. The documents, for example, which detail contacts between the White House and the Treasury Department about the early stages of the Whitewater investigation, they are, and I quote, being kept in safes and secure rooms under guard.

What? What are they afraid of? What are they hiding? What is the White House and Democratic leadership afraid of? In order to review these documents, Mr. Speaker, one has to sign a statement, a confidentiality agreement.

This is the first time that has happened in our history. Not even in Watergate were Members asked to sign a confidentiality agreement.

Now there are rumors here on Capitol Hill that there is information in the documents that is highly embarrassing to people at the White House. Well, the American people have a right to know. This Government does belong to the people and should be of the people, by the people, and for the people.

This is a serious situation. I ask the leadership of this House and the Members to look into this. We cannot allow this coverup to continue.

SUPPORT THE EXPORT ADMINISTRATION ACT

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, we in this Congress have begun to turn the American economy around, not by ourselves, but working with small business across this country.

Now the budget passed, sadly by only Democrat votes, and was able to work with an economy ready to respond. We have another opportunity coming before this House to help the economy, and that is to pass the Export Administration Act.

Mr. Speaker, in our competition with Japan and Germany, American companies are shackled and prevented from engaging in the international market

in technology that is generally available. In our bill we are tougher on terrorists, but we let the administration lead the effort to take advantage of the international marketplace where the future of our economy will be built.

I ask my colleagues to focus on the Export Administration Act as it comes to the floor in the next several days and to make sure those of my colleagues interested in its passage helps us fight off amendments that would leave American companies in a more complicated situation than they were at the height of the Brezhnev era. We need to take advantage of international markets and of international security, not destroy American opportunity by passing some of these very negative amendments.

DISTRICT OF COLUMBIA HOUSING DEPARTMENT SPENDS $10,000 AT RESORT IN PUERTO RICO

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, today's front page of the Washington Post is very enlightening. The District of Columbia's housing department, rated the worst in the country, recently sent eight employees to a resort in Puerto Rico to study public housing at a cost of over $10,000 to the taxpayer. This is the same department that spent $1.3 million to spruce up its own headquarters while hundreds of its housing units are unrepaired and uninhabitable and while hundreds of Americans live homeless and on the streets of Washington, DC.

Mr. Speaker, when we take up the District of Columbia appropriations bill, I ask my colleagues to remember this. Our choice is to fix the budget ourselves by amendment or to defeat it and send it back to the Mayor and the city council. This is our responsibility.

DEMOCRATS CONFRONTING HEALTH CARE ISSUES IN AN HONEST AND FORTHRIGHT MANNER

(Mr. COLEMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN. Mr. Speaker, I think it appropriate that some of us, at least, begin to respond to some of the suggestions by the Republicans about the health care plans that have been placed before us for consideration. One of my colleagues from Texas just a few minutes ago suggested that, if Hillary Clinton was honest about all of this, she would have given us all these options, and then he said, I believe he said, if I am not mistaken, that then employers and employees could have gone out, paid for, bought, those plans. Interesting analysis.

What is it that is missing? I suggest to my colleagues that a lot of people cannot go out and just pay for plans. That is part of the problem. "Why in the world," I ask my colleagues, "do you think we got 40 million Americans without health care coverage, most of them being children in America today?"

I think it is wrong for anybody in this House to try to sweep under the rug how we are going to pay for health care, and I think that for the President and the Democrats to have confronted this issue in an honest and forthright plan with one proposal for payment by employers and employees for a new health care system for all Americans is not deceiving at all.

In fact, Mr. Speaker, it is the most honest thing that has been put forward in my years in the Congress here. It is about time somebody said how we are going to pay for things we say we want or we need.

CALIFORNIA DESERT PROTECTION ACT OF 1994

The SPEAKER pro tempore (Mr. DURBIN). Pursuant to House Resolution 422 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 518.

□ 1059

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 518) to designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes, with Mr. PETERSON of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, July 12, 1994, the amendment offered by the gentleman from Tennessee [Mr. QUILLEN] had been disposed of, and title IV was open to amendment at any point.

Are there further amendments to title IV?

□ 1100

AMENDMENT OFFERED BY MR. CUNNINGHAM

Mr. CUNNINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CUNNINGHAM: On page 53, after line 24, insert the following:

SEC. 416. NO ADVERSE AFFECT ON LAND UNTIL ACQUIRED.

With the exception of lands owned by the California State Lands Commission and the Catellus Development Corporation, the owners of all lands acquired pursuant to this Act and the Wilderness Act or their designees shall be entitled to full use and enjoyment of such lands and nothing in the Act shall be—

(1) construed to impose any limitation upon any otherwise lawful use of these lands by the owners thereof or their designees,

(2) construed as authority to defer the submission, review, approval or implementation of any land use permit or similar plan with respect to any portion of such lands, or

(3) construed to grant a cause of action against the owner thereof or their designee, except to the extent that the owners thereof or their designees may, of their own accord, agree to defer some or all lawful enjoyment and use of any such lands for a certain period of time.

Mr. CUNNINGHAM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CUNNINGHAM. Mr. Chairman, yesterday we offered this amendment, and the gentleman from California [Mr. MILLER] offered a perfecting amendment. We asked to be protected under the rights of the House so we could work out the language, and we withdrew the amendments.

The gentleman from Colorado [Mr. ALLARD], the gentleman from Louisiana [Mr. TAUZIN], the gentleman from California [Mr. MILLER], and I and the staffs sat back and worked out the language of the perfecting amendment, and the reason is this: Let me go through just briefly what this is about. The problem is that when the Federal Government wants to take land away from private citizens under eminent domain or anything else, quite often there is not the money to pay for the land, and in the meantime that rancher, homeowner, or private owner has to live under the restrictions and cannot improve the land. Therefore, the land goes down in value, and by the time the Federal Government pays that individual the land may be worth a nickel on the dollar.

That is not right, Mr. Chairman, and the gentleman from California [Mr. MILLER] agrees with that.

What our amendment did not make clear is that we want in the meantime for the rancher or the private owner to be able to go ahead and utilize the land in a normal way. We do not want, as the gentleman from California [Mr. MILLER] suggested in his perfecting amendment, to add toxic waste dumps in that area, which would really deflate the value of the land when the Federal Government took it over, and it would cost billions of dollars to take it over, or to affect the Mining Act on parks.

So we have worked it out, and I think the gentleman from Colorado [Mr. ALLARD], the gentleman from Louisiana [Mr. TAUZIN], the gentleman from California [Mr. MILLER], and myself offer a good amendment, and I think we are in agreement with it. I do agree that the Clean Air Act would be a fine addition there.

Mr. Chairman, let me yield to my friend, the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, let me suggest that I go ahead and offer my amendment to the perfecting amendment first.

The CHAIRMAN. The gentleman from California [Mr. CUNNINGHAM] will have to yield back his time in order for the gentleman to do that.

Mr. CUNNINGHAM. Mr. Chairman, I will do that, and I would like the amendment to be issued as the Miller-Allard-Tauzin-Cunningham amendment.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA TO THE AMENDMENT OFFERED BY MR. CUNNINGHAM

Mr. MILLER of California. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California to the amendment offered by Mr. CUNNINGHAM: In the matter proposed to be inserted by the amendment, strike "With the exception" and all that follows and insert "Unless and until acquired by the United States, no lands within the boundaries of wilderness areas or National Park System units designated or enlarged by this Act that are owned by any person or entity other than the United States shall be subject to any of the rules or regulations applicable solely to the Federal lands within such boundaries and may be used to the extent allowed by applicable law. Neither the location of such lands within such boundaries nor the possible acquisition of such lands by the United States shall constitute a bar to the otherwise lawful issuance of any federal license or permit other than a license or permit related to activities governed by 16 U.S.C. §4601–22(c). Nothing in this section shall be construed as affecting the applicability of any provision of the Mining in the Parks Act (16 U.S.C. §1901 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.) or regulations applicable to oil and gas development as set forth in 36 CFR 9.B."

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Chairman, I want to thank my colleague, the gentleman from California [Mr. CUNNINGHAM] for his help in putting together this compromise which I think will clearly ensure that the concerns that he and others and I have about the impacts on private land inholdings when we change the status of Federal lands or create Federal lands around those private properties, that we not inhibit the ability of the property owner to engage in the beneficial use of that property as he might have before the Federal reservation was created.

My amendment goes to two points. Since we are creating these reserves in this bill, we maintain that the mining operations there would be subject to mining in the park, which has been on the books for many years, and we also make sure the generic provision in the law that prohibits one from operating a hazardous waste site facility on an inholding within the parks not be overridden. But other than that, we make it very clear that one will not be prejudiced nor will one be barred from getting a permit. That person might have to go to the local county or the State or some other local jurisdiction to get it because of the fact that they are an inholding. And we also make it clear we do not want the bureaucracy to muscle in on inholdings, trying to extend to those private properties restrictions that the Congress in its wisdom chose not to extend to those properties.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. Yes, I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman from California for yielding.

I was asked not to negotiate on this bill, and the reason that I decided to do it is that the gentleman from California [Mr. MILLER] and I have worked, not only on education and labor matters, but on other issues together, and we may disagree on issues, but not once has he ever said we would sit down and work out something that has not happened, and I appreciate that.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I really was not going to seek time, but I would like to have some exchange with the chairman of the committee, if I may.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Chairman, in order to clarifying precisely the gentleman's amendment, as well as the Cunningham-Huffington amendment, does relative to inholders, let us assume that the inholder goes to a local county—and it largely would be county authority—and has a proposed change or use of his property and the county signs off on it but in turn for one reason or another the department does not. How does that procedure work? What actually happens?

Mr. MILLER of California. Mr. Chairman, if the gentleman will yield, I think in fact the department has no authority on whether to sign off or not sign off on it, unless it had to do with these two provisions.

If you go down to the county and say, "I want to remodel my home" or "I want to add a barn onto my farm," if you need those permits at the local level, that is between you and the county. The purpose of this amendment is to suggest that they do not get to sign off on that. If you were going to build a power plant, they could come in under applicable law. If there are 404 permits or endangered species or clean air issues, they could come in under those provisions, but they can do that today.

Mr. LEWIS of California. So, Mr. Chairman, the gentleman is suggesting that outside of very special circumstances like a power company or something that is directly affected by established Federal law, that local planning authority would totally control that planning process?

Mr. MILLER of California. The Park Service could go in. I guess the Park Service could go in and complain about the impact if you were going to put in 500 homes, for instance.

Mr. LEWIS of California. Sure.

Mr. MILLER of California. But that is their standing. Like any other entity, they could come into that process, but they do not get special status in that process to make determinations because of the Federal lands around that facility. If they can make their case that this is incompatible or what have you, that is fine, but that in itself is not the basis to deny the permit. They do not have that special standing.

Mr. LEWIS of California. Mr. Chairman, as the chairman of the committee knows, in the other body a portion of the eastern Mojave, the Landfair Valley was left out of the bill, in no small part because of a very sizable number of private property owners, inholders, or potential inholders. So the gentleman is suggesting that where those people would be following a normal development process, that is, building a home or a barn or otherwise, they would be totally under the direction of and be able to get response from the local planning authority that is already well-established?

Mr. MILLER of California. Mr. Chairman, the gentleman is correct. Again, within the guidelines and within applicable law, the Park Service can participate, and if it rose to such an occasion that the Park Service thought it was inconsistent——

Mr. LEWIS of California. Then they could testify?

Mr. MILLER of California. Then they could go in and try to condemn the property, as we pointed out yesterday.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER], to the amendment offered by the gentleman from California [Mr. CUNNINGHAM].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. CUNNINGHAM], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. Are there further amendments to title IV?

If not, the Clerk will designate title V.

The text of title V is as follows:

TITLE V—NATIONAL PARK WILDERNESS

DESIGNATION OF WILDERNESS

SEC. 501. The following lands are hereby designated as wilderness in accordance with the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131 et seq.) and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act:

(1) Death Valley National Park Wilderness, comprising approximately three million one hundred seventy-nine thousand four hundred and eighteen acres, as generally depicted on 23 maps entitled "Death Valley National Park Boundary and Wilderness", numbered in the title one through twenty-three, and dated May 1994 or prior, and three maps entitled "Death Valley National Park Wilderness", numbered in the title one through three, and dated May 1994 or prior, and which shall be known as the Death Valley Wilderness.

(2) Joshua Tree National Park Wilderness Additions, comprising approximately one hundred thirty-one thousand seven hundred and eighty acres, as generally depicted on four maps entitled "Joshua Tree National Park Boundary and Wilderness—Proposed", numbered in the title one through four, and dated October 1991 or prior, and which are hereby incorporated in, and which shall be deemed to be a part of the Joshua Tree Wilderness as designated by Public Law 94–567.

(3) Mojave National Park Wilderness, comprising approximately six hundred ninety-four thousand acres, as generally depicted on ten maps entitled "Mojave National Park Boundary and Wilderness—Proposed", numbered in the title one through ten, and dated May 1994 or prior, and seven maps entitled "Mojave National Park Wilderness—Proposed", numbered in the title one through seven, and dated May 1994 or prior, and which shall be known as the Mojave Wilderness.

(4) Upon cessation of all uses prohibited by the Wilderness Act and publication by the Secretary in the Federal Register of notice of such cessation, potential wilderness, comprising approximately six thousand eight hundred and forty acres, as described in "1988 Death Valley National Monument Draft General Management Plan Draft Environmental Impact Statement" (hereafter in this title referred to as "Draft Plan") and as generally depicted on a map in the Draft Plan entitled "Wilderness Plan Death Valley National Monument", dated January 1988, shall be deemed to be a part of the Death Valley Wilderness as designated in paragraph (1). Lands identified in the Draft Plan as potential wilderness shall be managed by the Secretary insofar as practicable as wilderness until such time as said lands are designated as wilderness.

FILING OF MAPS AND DESCRIPTIONS

SEC. 502. Maps and a legal description of the boundaries of the areas designated in section 501 of this title shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, and in the Office of the Superintendent of each area designated in section 501. As soon as practicable after this title takes effect, maps of the wilderness areas and legal descriptions of their boundaries shall be filed with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, and such maps and descriptions shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such maps and descriptions.

ADMINISTRATION OF WILDERNESS AREAS

SEC. 503. The areas designated by section 501 of this title as wilderness shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act governing areas designated by that title as wilderness, except that any reference in such provision to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title, and where appropriate, and reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The Clerk reads as follows:

Amendment offered by Mr. VENTO: Page 54, lines 13 and 14, strike "one hundred seventy-nine thousand four hundred and eighteen acres" and in lieu thereof insert "one hundred sixty-two thousand one hundred and thirty-eight acres".

Mr. VENTO. Mr. Chairman, this is a simple amendment. It would reduce the wilderness designation within the enlarged Death Valley National Park by about 17,280 acres.

The result will be to leave a nonwilderness zone along the southern boundary of the national park, where the park adjoins the Fort Irwin National Training Center.

This change is desired by the Defense Department. They have indicated that they are concerned about difficulties that might arise in connection with policing of the Fort Irwin boundary if the adjacent national park lands were designated as wilderness.

Frankly, Mr. Chairman, I am not certain that the Defense Department's concerns are not exaggerated. However, in the interests of removing doubts about this point, and to make this portion of the bill more like the corresponding portion of the version passed by the Senate, I urge the House to adopt this amendment.

□ 1110

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I thank the gentleman for yielding to me.

The minority agrees with this amendment. We think it is a good amendment, and we go along with it.

Mr. VENTO. Mr. Chairman, I thank the gentleman for his support and interest.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title V?

If not, the Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—MISCELLANEOUS PROVISIONS

TRANSFER OF LANDS TO RED ROCK CANYON STATE PARK

SEC. 601. Upon enactment of this title, the Secretary of the Interior shall transfer to the State of California certain lands within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately twenty thousand five hundred acres, as generally depicted on two maps entitle "Red Rock Canyon State Park Additions 1" and "Red Rock Canyon State Park Additions 2", dated May 1991, for inclusion in the State of California Park System. Should the State of California cease to manage these lands as part of the State Park System, ownership of the lands shall revert to the Department of the Interior to be managed as part of the California Desert Conservation Area to provide maximum protection for the area's scenic and scientific values.

DESERT LILY SANCTUARY

SEC. 602. (a) There is hereby established the Desert Lily Sanctuary within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately two thousand forty acres, as generally depicted on a map entitled "Desert Lily Sanctuary", dated February 1986. The Secretary of the Interior shall administer the area to provide maximum protection to the desert lily.

(b) Subject to valid existing rights, Federal lands within the sanctuary, and interests therein, are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

LAND TENURE ADJUSTMENTS

SEC. 603. In preparing land tenure adjustment decisions within the California Desert Conservation Area, of the Bureau of Land Management, the Secretary shall give priority to consolidating Federal ownership within the national park units and wilderness areas designated by this Act.

DISPOSAL PROHIBITION

SEC. 604. Notwithstanding any other provision of law, the Secretary of the Interior and the Secretary of Agriculture may not dispose of any lands within the boundaries of the wilderness or parks designated under this Act or grant a right-of-way in any lands within the boundaries of the wilderness designated under this Act. Further, none of the lands within the boundaries of the wilderness or parks designated under this Act shall be granted to or otherwise made available for use by the Metropolitan Water District and any other agencies or persons pursuant to the Boulder Canyon Project Act (43 U.S.C. 617–619b) or any similar acts.

MANAGEMENT OF NEWLY ACQUIRED LANDS

SEC. 605. Any lands within the boundaries of a wilderness area designated under this Act which are acquired by the Federal Government shall become part of the wilderness area within which they are located and shall be managed in accordance with all the provisions of this Act and other laws applicable to such wilderness area.

NATIVE AMERICAN USES

SEC. 606. In recognition of the past use of the parks and wilderness areas designed under this Act by Indian people for traditional cultural and religious purposes, the Secretary shall ensure access to such parks and wilderness areas by Indian people for such traditional cultural and religious purposes. In implementing this section, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of park or wilderness areas in order to protect the privacy of traditional cultural and religious activities in such areas by Indian people. Such access shall be consistent with the purpose and intent of Public Law 95–341 (42 U.S.C. 1996) commonly referred to as the "American Indian Religious

Freedom Act", and with respect to areas designated as wilderness, the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131).

WATER RIGHTS

SEC. 607. (a) With respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved water rights shall be the date of enactment of this Act.

(b) The Secretary of the Interior and all other officers of the United States shall take all steps necessary to protect the rights reserved by this section, including the filing by the Secretary of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of California in which the United States is or may be joined and which is conducted in accordance with section 208 of the Act of July 10, 1952 (66 Stat. 560, 43 U.S.C. 666; commonly referred to as the McCarran Amendment).

(c) Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of California on or before the date of enactment of this Act.

(d) The Federal water rights reserved by this Act are specific to the wilderness areas located in the State of California designated under this Act. Nothing in this Act related to the reserved Federal water rights shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made thereto.

STATE SCHOOL LANDS

SEC. 608. (a) Upon request of the California State Lands Commission (hereinafter in this section referred to as the "Commission"), the Secretary shall enter into negotiations for an agreement to exchange Federal lands or interests therein on the list referred to in subsection (b)(2) for California State School Lands (hereinafter in this section referred to as "State School Lands") or interests therein which are located within the boundaries of one or more of the wilderness areas or park units designated by this Act. The Secretary shall negotiate in good faith to reach a land exchange agreement consistent with the requirements of section 206 of the Federal Land Policy and Management Act of 1976.

(b) Within six months after the date of enactment of this Act, the Secretary shall send to the Commission and to the Committees a list of the following:

(1) The State School Lands or interests therein (including mineral interests) which are located within the boundaries of the wilderness areas or park units designated by this Act.

(2) Lands under the Secretary's jurisdiction to be offered for exchange, including in the following priority:

(A) Lands with mineral interests, including geothermal, which have the potential for commercial development but which are not currently under mineral lease or producing Federal mineral revenues.

(B) Federal lands in California managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project.

(C) Any public lands in California that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, has determined to be suitable for disposal through exchange.

(c)(1) If an agreement under this section is for an exchange involving five thousand acres or less of Federal land or interests therein, or Federal lands valued at less than $5,000,000, the Secretary may carry out the exchange in accordance with the Federal Land Policy and Management Act of 1976.

(2) If an agreement under this section is for an exchange involving more than five thousand acres of Federal lands or interests therein, or Federal land valued at more than $5,000,000, the agreement shall be submitted to the Committees, together with a report containing—

(A) a complete list and appraisal of the lands or interests in lands proposed for exchange; and

(B) a determination that the State School Lands proposed to be acquired by the United States do not contain any hazardous waste, toxic waste, or radioactive waste.

(d) An agreement submitted under subsection (c)(2) shall not take effect unless approved by a joint resolution enacted by the Congress.

(e) If exchanges of all of the State School Lands are not completed by October 1, 2004, the Secretary shall adjust the appraised value of any remaining inholdings consistent with the provisions of section 206 of the Federal Land Management Policy Act of 1976. The Secretary shall establish an account in the name of the Commission in the amount of such appraised value. Title to the State School Lands shall be transferred to the United States at the time such account is credited.

(f) The Commission may use the credit in its account to bid, as any other bidder, for excess or surplus Federal property to be sold in the State of California in accordance with the applicable laws and regulations of the Federal agency offering such property for sale. The account shall be adjusted to reflect successful bids under this section or payments or forfeited deposits, penalties, or other costs assessed to the bidder in the course of such sales. In the event that the balance in the account has not been reduced to zero by October 1, 2009, there are authorized to be appropriated to the Secretary for payment to the California State Lands Commission funds equivalent to the balance remaining in the account as of October 1, 2009.

(g) As used in this section, the term "Committees" means the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

EXCHANGES

SEC. 609. (a) Upon request of the Catellus Development Corporation, its subsidiaries or successors in interest (hereafter in this section referred to as "Catellus"), the Secretary shall enter into negotiations for an agreement or agreements to exchange Federal lands or interests therein on the list referred to in subsection (b)(2) of this section for lands of Catellus or interests therein which are located within the boundaries of one or more of the wilderness areas or park units designated by this Act.

(b) Within six months after the date of enactment of this Act, the Secretary shall send to Catellus and to the Committees a list of the following:

(1) Lands of Catellus or interests therein (including mineral interests) which are located within the boundaries of the wilderness areas or park units designated by this Act.

(2) Lands under the Secretary's jurisdiction to be offered for exchange, in the following priority:

(A) Lands, including lands with mineral and geothermal interests, which have the potential for commercial development but which are not currently under lease or producing Federal revenues.

(B) Federal lands managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project.

(C) Any public lands that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, has determined to be suitable for disposal through exchange.

(c)(1) If an agreement under this section is for (A) an exchange involving lands outside the State of California, (B) more than 5,000 acres of Federal land or interests therein in California, or (C) Federal lands in any State valued at more than $5,000,000, the Secretary shall provide to the Committees a detailed report of each such land exchange agreement.

(2) All land exchange agreements shall be consistent with the Federal Land Policy and Management Act of 1976.

(3) Any report submitted to the Committees under this subsection shall include the following:

(A) A complete list and appraisal of the lands or interests in land proposed for exchange.

(B) A complete list of the lands, if any, to be acquired by the United States which contain any hazardous waste, toxic waste, or radioactive waste which requires removal or remedial action under Federal or State law, together with the estimated costs of any such action.

(4) An agreement under this subsection shall not take effect unless approved by a joint resolution enacted by the Congress.

(d) The Secretary shall provide the California State Lands Commission with a one hundred eighty-day right of first refusal to exchange for any Federal lands or interests therein, located in the State of California, on the list referred to in subsection (b)(2). Any lands with respect to which a right of first refusal is not noticed within such period or exercised under this subsection shall be available to Catellus for exchange in accordance with this section.

(e) On January 3, 1999, the Secretary shall provide to the Committees a list and appraisal consistent with the Federal Land Policy and Management Act of 1976 of all Catellus lands eligible for exchange under this section for which an exchange has not been completed. With respect to any of such lands for which an exchange has not been completed by October 1, 2004 (hereafter in this section referred to as "remaining lands"), the Secretary shall establish an account in the name of Catellus (hereafter in this section referred to as the "exchange account"). Upon the transfer of title by Catellus to all or a portion of the remaining lands to the United States, the Secretary shall credit the exchange account in the amount of the appraised value of the transferred remaining lands at the time of such transfer.

(f) Catellus may use the credit in its account to bid, as any other bidder, for excess or surplus Federal property to be sold in the State of California in accordance with the applicable laws and regulations of the Federal agency offering such property for sale. The account shall be adjusted to reflect successful bids under this section or payments or forfeited deposits, penalties, or other costs assessed to the bidder in the course of such sales. Upon approval by the Secretary in writing, the credits in Catellus's exchange account may be transferred or sold in whole or in part by Catellus to any other party, thereby vesting such party with all the rights formerly held by Catellus. The exchange account shall be adjusted to reflect successful bids under this section or payments or forfeited deposits, penalties, or other costs assessed to the bidder in the course of such sales.

(g)(1) The Secretary shall not accept title pursuant to this section to any lands unless such title includes all right, title, and interest in and to the fee estate.

(2) Notwithstanding paragraph (1), the Secretary may accept title to any subsurface estate where the United States holds title to the surface estate.

(3) This subsection does not apply to easements and rights-of-way for utilities or roads.

(h) In no event shall the Secretary accept title under this section to lands which contain any hazardous waste, toxic waste, or radioactive waste which requires removal or remedial action under Federal or State law unless such remedial action has been completed prior to the transfer.

(i) For purposes of the section, any appraisal shall be consistent with the provisions of section 206 of the Federal Land Policy and Management Act of 1976.

(j) As used in this section, the term "Committees" means the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

AMENDMENTS OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. RICHARDSON:

Page 59, line 22, insert "(a)" after "'606.".

Page 60, after line 11, insert the following:

(b)(1) The Secretary, in consultation with the Timbisha Shoshone Tribe and relevant Federal agencies, shall conduct a study, subject to the availability of appropriations, to identify lands suitable for a reservation for the Timbisha Shoshone Tribe that are located within the Tribe's aboriginal homeland area.

(2) Not later than two years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives on the results of the study conducted under paragraph (1).

Page 62, after line 25, insert the following:

(3) Any other Federal land, or interest therein, within the State of California, which is or becomes surplus to the needs of the Federal Government. The Secretary may exclude, in his discretion, lands located within or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.

Page 66, after line 2, insert the following:

(3) Any other Federal land, or interest therein, within the State of California, which is or becomes surplus to the needs of the Federal Government. The Secretary may exclude, in his discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.

Mr. RICHARDSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. RICHARDSON. Mr. Chairman, The en bloc amendments I am offering would be added to title VI of this bill.

The first amendment would amend section 606 entitled "Native American Uses" to allow for a 2-year study to be completed by the Secretary of Interior in consultation with the Timbisha Shoshone Tribe of lands which would be suitable for a reservation for the tribe. The lands to be considered are to come from aboriginal homeland areas of the Timbisha Shoshone Tribe.

The Timbisha Shoshone Tribe has been a federally recognized tribe since 1983 and has approximately 200 members. The recognition did not, however, convey a land base to the tribe. Without a land base the tribe is unable to pursue tribal self-determination or social and economic development for its members. The ancestral homeland of the Timbisha Shoshone includes lands in and surrounding the Death Valley area of California.

The Timbisha Shoshone Tribe's ancestral homelands are found on lands within the boundaries of the Death Valley National Monument and Death Valley National Park as described in the California Desert Protection Act of 1994, and as more particularly described in the "Death Valley Timbisha Shoshone Band of California: Final Determination for Federal Acknowledgment" (Fed. Reg. vol. 47 at page 50109 (Nov. 4, 1982). These lands are part of the tribe's aboriginal territory, but have been held by the Federal Government for other uses since 1933, including lands of the National Park Service, Bureau of Land Management, and other Federal departments and agencies.

The Timbisha Shoshone Tribe is the successor and direct descendant of the Panamint Shoshone whose traditional ancestral homeland for thousands of years encompassed a vast territory of hundreds of square miles in the Death Valley, CA area, and extending into western Nevada. The Timbisha Shoshone Tribe resides at the will of the U.S. Department of Interior, National Park Service, on a 40-acre tract of land managed and administered by the National Park Service.

My amendment does not put 1 acre of land into trust for the tribe. It simply authorizes, subject to the availability of appropriations, a study to identify lands which the tribe and the Secretary of Interior find to be appropriate for use as a reservation.

The second and third amendments I am offering give the Secretary of Interior the discretion to exclude from the lists referred to in section 608 and section 609 any lands which become surplus and are within or contiguous to any existing Indian tribal trust lands. Under sections 608 and 609 the Secretary is required to compile a list of any lands which may be deemed surplus by the Secretary and, therefore, eligible for possible trade with parcels inside areas which this legislation intends to designate as wilderness or national park units.

Again, these amendments would not provide any Indian tribe with 1 acre of land. They would merely allow the Secretary of Interior the ability to withhold a particular surplus parcel that is within or contiguous to the exterior boundary of existing trust land. Currently, some Indian trust land in California is checker-boarded with private or Federal land included within the trust land. If and when, this non-Indian land becomes available it may be more appropriate for that land to be conveyed to the tribe instead of to another entity which would increase problems related to the management of checkerboarded areas.

The native Americans of California deserve to have a few protections in this legislation and I believe my amendments allow for this. I urge my colleagues to support my amendments.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding to me.

I think it is probably appropriate to require a study to see if a reservation could be established for the Timbisha Shoshones. I think that we should be careful not to raise undue expectations about the likelihood that Congress will agree to take lands out of parks, out of forests, out of wildlife refugees or wilderness areas once designated. That would be a concern.

The intent here, as I understand, and I would like the gentleman to respond to this, is that in order for anything to be established, we would have to come back and act on it. Congress would have to act on that particular matter.

Mr. RICHARDSON. Mr. Chairman, let me say that the gentleman is correct, but I think what is very important to the Subcommittee on Native American Affairs is to look at the entire aboriginal lands and keep that option open.

Mr. VENTO. Mr. Chairman, if the gentleman will continue to yield, I think that if we excluded such lands in fact, as Members know, the gentleman, we have exchanged, maybe we should exclude parks, exclude wildernesses, I think that just tortures the logic of the study. In fact, we are better off having them included for the purpose of the study and learn if there are substantial claims within a park for example. We would hope that, for instance, for religious purposes or others that they would apply to the general law. But we should have the information and we would rather have it formally than trying to structure a study that would end up being incomplete.

Mr. RICHARDSON. Mr. Chairman, the gentleman is correct. We do want that.

Mr. VENTO. Mr. Chairman, I agree with the gentleman, and I urge adoption of the amendment.

AMENDMENTS OFFERED BY MR. MILLER OF CALIFORNIA TO THE AMENDMENTS OFFERED BY MR. RICHARDSON

Mr. MILLER of California. Mr. Chairman, I offer amendments to the amendments.

The Clerk read as follows:

Amendments offered by Mr. MILLER of California to the amendments offered by Mr. RICHARDSON:

In the matter proposed to be inserted on page 62 after line 25, strike "The Secretary" and all that follows and insert after paragraph (3) as contained in such matter the following:

The Secretary may exclude, in his discretion, from such list lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.

In the matter proposed to be inserted on page 66 after line 2, strike "The Secretary' and all that follows and insert after paragraph (3) as contained in such matter the following:

The Secretary may exclude, in his discretion, from such list lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Chairman, this amendment clarifies that the Secretary of the Interior has discretionary authority to exclude from the negotiated exchanges lands which may be adjacent to tribal trust lands. It provides an assurance to Indian tribes that their interests will be considered in the decisions regarding which lands will be included in the exchanges, but it leaves those decisions within the discretion of the Secretary.

Mr. Chairman, the amendment is technical in nature and I urge my colleagues to support it.

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Chairman, I thank the gentleman for yielding to me.

I think this is a very constructive amendment. What it would do is give discretion to the Secretary of the Interior. Naturally, we would accept it.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, first, I would like to express my appreciation to my colleague, the gentleman from New Mexico [Mr. RICHARDSON] for this amendment. He is addressing himself to a very sensitive problem that exists within my district, specifically dealing with the Timbisha Shoshone tribe.

The gentleman from New Mexico [Mr. RICHARDSON] is the chairman of the Subcommittee on Native American Affairs and has been extremely sensitive to these problems as we go about significant public policy changes within my district.

First, let me say that the Timbisha Shoshone tribe was originally kicked off of its land in 1933, as the Death Valley National Monument was established.

Since that time, to say the least, they have been frustrated by their relationship with the Federal Government.

The chairperson, Roy Kennedy, as well as the heads of the other tribes in the region, is very supportive of this approach.

Essentially what the gentleman from New Mexico [Mr. RICHARDSON] and the gentleman from California [Mr. MILLER] are attempting to do here is to make certain that the Timbisha Shoshone tribe don't lose one more time to the Federal Government. It is my strong desire that the Department of Interior is sensitive to not only the history of the tribe but their current problem that will result from creating a National Park in Death Valley.

The Timbisha Shoshone tribe has been more than patient with the Federal Government in connection with their relations with this Department. I urge the Director of the Park Service to go forward with this study to find the tribe a permanent land base, and I urge the House to support this amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. MILLER] to the amendments offered by the gentleman from New Mexico [Mr. RICHARDSON].

The amendments to the amendments were agreed to.

□ 1120

The CHAIRMAN. The question is on the amendments offered by the gentleman from New Mexico [Mr. RICHARDSON], as amended.

The amendments, as amended, were agreed to.

The CHAIRMAN. Are there further amendments to title VI?

AMENDMENT OFFERED BY MR. ALLARD

Mr. ALLARD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALLARD: On page 61, after line 13, insert the following:

(e) Nothing in this Act shall be construed to affect the operation of federally owned dams located on the Colorado River in the Lower Basin.

(f) Nothing in this Act shall be construed to amend, supersede, or preempt any State law, Federal law, interstate compact, or international treaty pertaining to the Colorado River (including its tributaries) in the Upper Basin, including, but not limited to the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quality of those rivers.

(g) With respect to the Havasu and Imperial wilderness areas designated by section 111 of Title I of this Act, no rights to water of the Colorado River are reserved, either expressly, impliedly, or otherwise.

Mr. ALLARD. Mr. Chairman, I rise today to offer an amendment to simply clarify the intent of Congress and provide protections for the Upper Colorado River Basin water entitlements. It ensures that there would be no undesirable impact on the Colorado River and its operations as a consequence of this act.

Specifically, this amendment does three things. First, it specifies that the federally owned dams located on the Colorado River in the Lower Basin would not be affected. Second, it protects State water laws and the interstate compacts pertaining to the Colorado River in the Upper Basin. Third, it ensures that no Federal rights to the Colorado River are reserved, expressly or impliedly, with respect to the Havasu and Imperial wilderness areas.

Mr. Chairman, I want to point out that this language is NOT new. It was also included in the Arizona Desert Wilderness Act, passed in October 1990—Public Law 101-628. When this bill came before the House, the Members wisely included language to ensure that there would be no adverse impact to the Colorado River operations.

As you know, the Havasu and Imperial wilderness areas straddle the Colorado River and the Arizona-California State line. When these refuges were established as wilderness on the Arizona side with the Arizona Wilderness Act, provided that no rights to the water of the Colorado River were reserved expressly or impliedly. This was done in recognition of the fact that the Havasu and Imperial designations were in close geographic proximity to the Colorado River and while the boundaries had been drawn at the high water mark and any effect on the Colorado River was thought by them unlikely, Arizona's Senator's DECONCINI and MCCAIN nonetheless, to avoid any confusion, unequivocally stated in the bill that no such rights were reserved.

These provisions were put in the act and assurances were also given during the debates that the act was not to supersede any existing compacts, treaties, Federal statutes of Supreme Court decrees governing interstate or intrastate water allocations. The law of the river, which included the operations of existing and future dams in either the upper or lower basin, was to be protected and not affected as a consequence of the wilderness designations.

Congress now has the California Desert Protection Act before it and this proposal also designates wilderness in the California portions of the Havasu and Imperial National Wildlife Refuges, on the California side of the Colorado River. The Senate, recognizing the desirability and need for treating both sides of the river in the same fashion, included the same protections for the Colorado River in its recently passed S. 21. The common treatment

thus accorded both halves of the two refuges lying astride the Colorado River along the Arizona-California border is important not only from the management and administration aspects but in addition, as the Senate committee report observes—at p. 32—these two refuges already have a reserved water right which is unaffected by the legislation. That right has already been quantified by the decree of the U.S. Supreme Court at the conclusion of the Arizona versus California litigation. 376 U.S. 340 at 346 (1964), with any consumptive use of water within a State to be charged to that State's apportionment of the waters of the Colorado River. While the water rights thus accorded and quantified by the Court were for the lands as wildlife refuges, certainly their additional designation as wilderness should not require any greater quantities of water. It would accordingly be duplicative as well as totally inconsistent with congressional action with respect to the Arizona lands to now place a Federal general reserved water right on the California side of the river.

To say that the Havasu and Imperial wilderness boundaries have been drawn so as not to include the Colorado River is hardly determinative of the concerns that have been expressed throughout both the Upper and Lower Basins—which include significant portions of seven States—Arizona, California, Colorado, New Mexico, Nevada, Utah and Wyoming. The only significant water source in the two affected areas is the Colorado River itself, including its impoundments and underflow. Uses of waters in these two areas would necessarily be supplied from the Colorado River. Accordingly, the protections provided by Congress in both the Arizona Act as well as by the Senate in acting on the California Desert bill—in S. 21—should be included in any final action by the Congress on the California Desert legislation. The Allard-Thomas language would provide consistency for the treatment of the Colorado with respect to the Havasu and Imperial wilderness areas in California.

Also noteworthy is the fact that the Allard-Thomas language is included in report language of H.R. 518. However, we do not believe report language is sufficient, as it is not legally binding. If the authors of this bill want to prevent the disruption of the Colorado River compact and they felt it was important enough to include in report language, then there should be no reason why this cannot be clarified in the bill. It is obviously a very important point for those of us in the West where water is our most precious commodity and this bill does not provide enough certainty for Members who represent States that supply water throughout the West. Without the Allard-Thomas language the bill would unravel the extremely complicated and fragile Colorado River Compact worked out by the States, California, Arizona, Nevada, Utah, New Mexico, Colorado and Wyoming.

Our concerns have been heightened by the discussion of boundaries and what constitutes water of the Colorado River contained in the Bureau of Reclamation's draft regulations for administering entitlements to Colorado River water in the lower basin, just released May 6. The Bureau says they have developed a method with the U.S. Geological Survey to identify wells yielding water originating from the river. This method "employs a presumption that all water beneath the lower Colorado River floodplain" and certain areas adjacent to it are believed to be hydrologically connected to mainstream Colorado River water, which will be subject to these regulations and will have to have a contract for the water with the Secretary of the Interior.

The details of these proposed regulations for simply defining the boundaries of the mainstream are extremely involved and comprehensive, not only with respect to the surface, but to the subsurface. One simply cannot be assured that any wilderness boundary that has been drawn excludes the impact of a Federal reserved right, unless any reserved right to the water of the Colorado is itself denied, as provided in the Arizona Act of 1990, and in S. 21. Even users of waters from wells in these areas as well as all areas upstream on the Colorado River could otherwise be adversely affected.

Before Statehood in 1876 Colorado submitted its Constitution to Congress to be ratified. In connection with water, considered the most precious and scarce resource in the West, the Colorado Constitution provided, "The right to divert the unappropriated waters of any natural stream to beneficial use shall never be denied."

Ever since that time Colorado has sought to protect its water resources from any Federal intrusion. The importance of water resource management on the Western way of life is not widely understood beyond the arid West and the technical intricacies involved in such management are even less understood. Any impact on the ability of Colorado and her sister States to maintain state control over water decisions, which a Federal reservation of water can entail, has been resisted because such reservations could prohibit Colorado and other Basin States from protecting their interests under the interstate compacts on the Colorado which are so important to them.

Some States, Nevada for example, provide that groundwater is subject to appropriation in a similar manner as surface water. A broad Federal reservation could indeed interfere with and possibly preclude a State official from approving an application for groundwater in any areas adjacent to a wilderness holding such a reservation.

The draft regulations of the Bureau of Reclamation call all water below the floodplain of the lower Colorado River and below certain elevations in adjacent areas to be water of the Colorado River, which must have contact with the Secretary of the Interior.

In light of these proposals, the only way to assure a Federal reserved right cannot impact an individual water right or a State's Compact entitlement is to deny that a reserved right to water of the Colorado River and its tributaries, either expressed or implied, is being created.

In summary, the protections provided by Congress in the Senate version of this bill, and the Arizona Act should be included in any final action by the Congress on the California Desert legislation.

Mr. MILLER of California. Mr. Chairman, we have had a chance to look at the amendment. We think the amendment does no harm, and we are prepared to accept it.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, we had considered this amendment in the subcommittee and tried to persuade the gentleman from Colorado [Mr. ALLARD] that because of the way the boundaries are now drawn with regard to the California wilderness, that they are outside the watershed, our feeling or our belief was that there was no impact.

Mr. Chairman, I agree with the gentleman from California [Mr. MILLER] that it does give a measure of confidence, apparently it is in the Senate bill, and the gentleman from Colorado [Mr. ALLARD] and his allies continue to press in terms of providing for additional reassurance. I do not think it does any harm in terms of the basic language, although I do not know that it affords any additional protection, because the boundaries are ultimately outside of it.

In light of the comity here on the floor today, Mr. Chairman, I am willing to go along with the chairman of the committee and accept the amendment.

Mr. ALLARD. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Colorado.

Mr. ALLARD. Mr. Chairman, I would like thank both gentleman for working with this particular Member on this issue, and am willing to assure that these Members in the Colorado River Compact States water rights are protected.

Mr. THOMAS of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Wyoming.

Mr. THOMAS of Wyoming. Mr. Chairman, as a cosponsor, I, too, want to

thank the gentleman from California. Again, I think it is important that this language be in the bill, but it is also important as a generic statement in terms of western water that there are not reserved water rights here, so I think it is a very important part of the this bill, and I appreciate the sponsors accepting this language.

Mr. Chairman, I am pleased to offer this amendment with the gentleman from Colorado. As you know, the Colorado River is extremely important to all of the States in the West.

Water is an essential part of life for many folks living in the arid West. The Colorado River is a vital lifeline for many folks throughout this region.

Almost 40 years ago, the States in the Colorado River Basin reached and agreement on how this valuable resource should be administered. The Colorado River compact has served the western States well and balanced the competing needs for water in this area.

What this amendment is designed to do is protect that important agreement and ensure that it is not destroyed by this legislation.

The amendment offered by myself and Mr. ALLARD closely resembles an amendment to the Arizona Desert Wilderness Act, which was approved in 1990.

It simply states that nothing in this bill would give the Federal Government a reserved water right on the Colorado River. It also states that the Havasu and Imperial Wilderness areas, which straddle the river, do not have any reserved right to the waters of the Colorado River.

The opponents of this amendment will tell you that this is a nonissue. That there is no Federal reserved water right to the Colorado River given in the desert protection bill.

However, I disagree. The very fact the legislation does not state that there is no Federal reserved water right to the Colorado River is troublesome. We have all seen how the Federal Government works. Once the feds get their foot in the door, they will trample on the rights of the States.

In addition, the opponents of this amendment claim the Havasu and Imperial Wilderness boundaries have been drawn so that the Colorado River is not affected. This is hardly conclusive and could change with fluctuations in the river's width and breadth.

The Colorado River is the only significant water source in these two areas. To say these wilderness areas will not be affected by the Colorado River is highly misleading.

Mr. Chairman, this amendment is sound and will remove any misconceptions about the Federal Government having a reserved water right on the Colorado River. It is vital for the people of the West to have this language included in this bill.

The Senate has already included this language in its version of the California Desert Protection Act, and I urge the House to do the same.

Support the Thomas-Allard amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. ALLARD].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title VI?

AMENDMENT OFFERED BY MR. CUNNINGHAM

Mr. CUNNINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CUNNINGHAM: Page 64, strike line 22 and all that follows through line 9 on page 69 (all of section 609).

Mr. CUNNINGHAM. Mr. Chairman, this amendment strikes from the bill, section 609, a provision which grants special, and I repeat special, treatment to one landowner and one landowner only that is affected by this bill. My colleague, the gentleman from California [Mr. HUFFINGTON], originally intended to offer this amendment. Unfortunately, due to a recent operation, and that was in his eye, he is unable to be here today. I want to commend him for his work on this important amendment which would eliminate an egregious and unfair special interest provision from the bill.

Section 609 permits one landowner and one landowner only to benefit from the unique land exchange arrangement with the Government under this bill. That landowner is the Catellus Development Corp., a multibillion-dollar real estate concern. While other landowners affected by this bill will become subject to the Department of the Interior's cumbersome and often unfair compensation procedures, that will not be the case for the multibillion-dollar Catellus Corp.

Mr. Chairman, unless this amendment is adopted, Catellus will be permitted to swap all of the 355,000 acres. Let me give the Members an idea. In the bill, they do not distinguish between excess and surplus land. Excess land by the Federal Government, if the Federal Government has no use, they can offer it up to another Federal agency. If they do not want it, then it is considered surplus. Surplus is if no Federal agency wants it, then it can go to anybody.

What this does, Mr. Chairman, it puts the Catellus Corp. on the same level as the Federal Government for land acquisition. They can take over military bases, and there is nothing in there that states that they could not even sell it to a foreign country like Japan or one of the other countries that invests here. It is absolutely wrong.

Mr. Chairman, if after the 10-year period Catellus has not exchanged all of their landholdings, the corporation would then be allowed to establish an exchange account. There is nothing in there in the 10-year period that even says they have to use those credits. They can wait and pick and choose.

Mr. Chairman, I have here a list of affected lands. They can buy the 9-acre site and exchange it for points in San Francisco. There is another 9.6 acres in Malibu, with a 6,000-square-foot house they can trade for. It is wrong, Mr. Chairman. In effect, Catellus would go to the head of the line of all private parties.

Mr. Chairman, we have talked about the little guy, we have talked about the middle of the roader, and we have talked about the rancher. This is a company with a multibillion-dollar prospectus. This provision means that Catellus would be compensated for 100 percent of their losses under this bill. That is dramatically different from the way our Government treats most people who become inholders as a result of Federal land acquisitions. That situation, will get worse under this bill, because this is the largest addition to Federal landholdings in history of the lower 48 continental States.

Mr. Chairman, under law it also says that one cannot exchange land outside the State of California. That is law. This bill reneges on that law, because there is not enough land in the State of California to replace the 335,000 acres, and we would be violating the law in that as well.

□ 1130

Clearly this provision is the kind of special interest legislation that undermines the public faith in the fairness-Government. If one is in a multimillion-dollar corporation with the money to hire good lobbyists, he will be taken care of. If they simply are a retired couple who bought a cabin in the desert or a small mining corporation, they are out of luck. "Take a number and wait for the Department of the Interior to tell you what they think your land is worth and whether or not they will intend to pay for it."

What might Catellus eventually get under the deal by being allowed exchange of 100 percent of their lands for property elsewhere? They may reap up to $100 million more than the actual value of their land in compensation. Additionally, they will be permitted to sell their exchange credits to others. They can go to one corporation and RTC lands and exchange those credits to that company who in turn could buy land for 10 cents on the dollar. That is not fair. It is not right.

Finally, it takes more than 10 years to dispose of all the land they may be eligible for property seized by the U.S. marshals, such as the 9 acres in beachfront property in Malibu. No other desert landholder will get such a sweetheart deal. I would love to get 9 acres in Malibu if I had a little ranch in the desert, and I think the chairman would, also. Catellus stock sold at $38 per share back in 1989 before the real

estate market collapsed, but that is simply not justification to treat one landholder so much better than every other landholder.

Mr. Chairman, this is not right. The amendment is correct. Let us take the special interests and let us put Catellus the same as everyone else and not give special interests to a gentlewoman from the other body.

PERFECTING AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer a perfecting amendment to section 609 that has been printed in the RECORD.

The Clerk read as follows:

Perfecting amendment offered by Mr. MILLER of California: Page 64, beginning on line 23, strike "the Catellus" and all that follows through "'Catellus')" and insert "holder of private lands (hereafter in this section referred to as the 'landowner')".

Page 65, line 3, strike "Catellus" and insert "the landowner".

Page 65, line 7, strike "Catellus" and insert "the landowner".

Page 65, line 9, strike "Catellus" and insert "the landowner".

Page 67, line 8, strike "Catellus" and insert "the landowner".

Page 67, line 12, strike "Catellus" and insert "private".

Page 67, line 17, strike "Catellus" and insert "each landowner".

Page 67, line 19, strike "Catellus" and insert "the landowner".

Page 67, line 23, strike "Catellus" and insert "The landowner".

Page 68, line 6, strike "Catellus's" and insert "the landowner's".

Page 68, line 8, strike "Catellus" and insert "the landowner".

Page 68, line 9, strike "Catellus" and insert "the landowner".

Mr. MILLER of California. Mr. Chairman, the provision to which the Cunningham amendment speaks to is in no way represented by the remarks he just made, and I understand that he is standing in for the gentleman from California [Mr. HUFFINGTON] who wanted to offer this amendment. Let me go through the provisions that are in the law and explain what we were trying to do.

We have two very large inholdings in and around these parks and these Federal lands. One of them which is the Catellus Corp. of which 41 percent of the Catellus Development Corp. is owned by the California retirees, the State retirees, the CALPERS system, some 900,000 retired public workers in our State, that is held in trust for them.

In the management of the park and in the management of those lands, these are checkerboard lands. Every other section is owned by the Federal Government and/or Catellus. In trying to manage those lands in the most efficient way for the Federal Government and eventually hopefully in the most efficient way for the retirees in California, we were trying to work out a means by which they could exchange those lands and maybe we could consolidate Federal lands and they could consolidate their lands. If that did not work out, we would give them the option to see if there were other Federal lands we could trade for so we could put together a management regime of these lands. Catellus would receive no special favor, they would not be allowed, and if the gentleman would look at the bottom of page 67, this is for lands within the State of California, this has to be done in accordance with the Federal Land Policy and Management Act of 1976. But because of the concerns he has raised, my amendment simply allows this provision to be used by any landowner in the area. We have indications from a number of landowners that they, too, would like to swap out. They are more than welcome to go through this process and the Secretary will provide a list of lands that will be available. If exchanges cannot be available, the Secretary will provide an appraisal of their lands. They will be able to take that appraisal and look for these surplus lands just like any other entity in this country which stands behind the original offers of the Federal Government. Eventually they, too, would be given an account where they could go in and hopefully they would take some RTC land from us. We are still managing it in the RTC.

As we know over the last 4 or 5 years, many people have gone in and bought RTC land and the economy has turned around in Houston or Dallas or Fort Worth or Arizona and, as I say, every person is entitled to his bargain. That is one way for us to get that land off our back, get the decent management and regime so we are not crossing back and forth over private properties in the management of this land or we can simply leave the status quo. Take Catellus out and we just leave it around and make it much more expensive to administer these parks and to essentially allow the California retired employees who are the stakeholders in this to have a bunch of checkerboard land out in the middle of the desert which they may or may not be able to ascribe some value to.

Mr. Chairman, there is nothing hidden here. This has been out in the open. It has been around for a long time. Some people say it is the size of it, but that is how the railroads ended up with the land. They were given these alternating sections. We are trying to provide some consolidation. I have no problem extending that to any other affected landowners in the areas. They can do the same thing. Hopefully we will, one, whittle down the backlog of excess and surplus property and we will whittle down some of the RTC property and we will end up with the management of those properties that are affected by this bill and in some instances those landowners who want out will be able to consolidate their properties so that they can leave.

Mr. Chairman, that is what is going on here. This amendment would simply make it apply to all landowners and then people can decide if they want to strike that provision across the board.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding.

I believe, Mr. Chairman, the RTC properties are exempt.

Mr. MILLER of California. They were in originally. They have now been taken out.

Mr. CUNNINGHAM. Where that could come into effect is past the 10-year period, they could sell their credits to someone else or use it for RTC property.

Mr. MILLER of California. The gentleman is correct.

Mr. CUNNINGHAM. I think this would be expensive, but at least it gives fairness to ranchers or someone who wants to exchange their land in the same way. I have no problem. I have been advised they do want a recorded vote on it, but I do not have any problem with the amendment.

Mr. MILLER of California. The gentleman has no problem with the amendment?

Mr. CUNNINGHAM. I do not.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first I would like to express my appreciation to the gentleman from California [Mr. MILLER] for his perfecting amendment. Essentially his perfecting amendment would substitute an amendment that we were going to offer at another time during the debate on this section of the bill. It does address a very important question which I think is important to the public and the membership of the House. It is one thing to lightly talk about putting all property owners in the same place on the playing field when it comes to getting themselves out of a major shift in Federal public land policies. Specifically, when the Federal Government acquires private property. It is another thing to recognize what the original solution was to sizable landholders in the area on the part of the committee.

Mr. Chairman, Catellus is a sizable corporation. But, what it actually is, is a company which was originally the landholder for the Santa Fe Railroad. Now, Catellus is a publicly traded corporation separate from the Santa Fe Railroad. Not quite a half a million acres but a sizable number of acres, approximately 355,000 acres spread throughout that desert region.

The committee made the decision that they had to solve the problem of some of those large landholders including Catellus, it was essentially to say that they would get at the front of the line. Indeed, when it came to a new

park where Catellus lands were involved, the Natural Resources Committee felt that they would be given broad possibility in terms of essentially chits they could hold in their pocket and trade for other Federal assets.

The original language actually allowed them to go the RTC and trade for properties that were taken back as a result of the savings and loan scandal. As a practical fact of life. Catellus, initially the landholder for the railroads, has another relationship that is very interesting here. Over recent years, the public employees union in California has seen the potential values in those railroad lands or Catellus stock. They have progressively purchased that stock.

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Now they own nearly 50 percent of the Catellus stock. So, now we do not have just the robber barons to worry about here. Essentially, we have got a process where there is a broad public employee base relative to their retirement system that was being protected by way of this amendment.

These issues were crystallized in the committee hearings in the Senate. Almost nobody discussing this whole subject area outside of the very inner bowels of the committee knew about these provisions the last time the House considered this legislation. The committee in the Senate thought this was outrageous and essentially did what the Huffington-Cunningham amendment would accomplish.

There is little doubt that the small miner, the small property owner, people who work for a living day in and day out need to be treated equally in this process.

So I support my colleague's amendment, the amendment offered by the gentleman from California, as well as the chairman's perfecting amendment. But, indeed, the public does need to know that there were special groups being taken care of in a very special way as this bill left the House the last time and as it was originally being proposed in the Senate committee.

When we are talking about millions of acres of land and thousands of small property owners, it is very, very important that the House be sensitive to those needs, the needs of the small person and make sure their voice is heard. That is what is happening in this case.

Mr. Chairman, I am including at this point in the RECORD several newspaper articles, as follows:

[From the San Francisco Chronicle, June 6, 1994]

GREED ON THE RANGE

(By Debra J. Saunders)

The rap on the Decade of Greed goes like this: In the Bad 1980s, aka the Reagan-Bush Years, leveraged buyouts reflected an accumulation sickness in the private sector. Amid a buying frenzy, amoral speculators would take over mom-and-pop operations with money they didn't have. The companies then were run to the ground. In the end, pensioners were left holding worthless junk bonds while raids on company assets cost workers their jobs.

Congress now is emulating the worst of the leveraged buyout kings. In the crime bills which passed the House and Senate, lawmakers expanded federal crimes even as the deficit has forced cuts in the federal criminal justice system. In April, the Senate passed the California Desert Protection Act, sponsored by Senator Dianne Feinstein, which "protects"—Feinstein's word—9 million acres of the California desert. The bill's acquisition pricetag of up to $300 million, plus about $7 million in annual upkeep, would be met by raiding other federal assets, or deficit spending. There could be a vote on a companion House measure, sponsored by California Democratic Representatives George Miller and Richard Lehman, as early as this week.

The questions Capital Hillians aren't asking: Does America need California desert preserves larger than the state of Maryland? And: Aren't the existing 2 million acre Death Valley National Monument and 500,000 acre Joshua Tree National Monument enough? The question backers aren't answering with any credibility: How are they going to pay for all this wasteland?

Feinstein and Interior Secretary Bruce Babbitt insist that the bill can be paid for with savings squeezed from within the Interior Department budget. If this is true, Babbitt and Feinstein would pay for these million acres of scrub by raiding the budgets of *real* parks, like Yosemite and Yellowstone. That is, they would emulate the leveraged buyout and fund new acquisitions by looting other assets.

Last week The Chronicle ran a story about Yosemite's staffing woes. Despite a boom in visitorship and growing crime rate, Yosemite's staff is half the size it was 20 years ago. Yosemite charges a $5 fee for visiting cars, which brought in $5.4 million last year. That $5 mil was sent to the Interior Department, which sent back only $920,000. How much less might Yosemite get next year so that Feinstein and company can siphon more dollars to the Size of Maryland National Lizard Refuge?

As critics have pointed out, Congress has a habit of buying lands it can't care for. Senate Appropriations Chairman Robert Byrd warned, "We cannot adequately maintain the parks that we now have. * * *" This kind of overspending cannot go on forever. Already, national parks suffer from a $2.9 billion maintenance backlog. If Congress keeps this up, a systems crash is inevitable.

Ironically, the House bill even contains something of a bailout for a corporate concern that took a bath in California's real estate crash, the Catellus Development Corporation. Catellus owns almost 1 million acres of California desert, land that was given to its parent company, the Santa Fe Railroad, by the federal government. The House bill would allow Catellus to swap more than 300,000 acres for as much as a $400,000 credit for this who-else-wants-it acreage, according to Representative Jerry Lewis, a Republican from the desert area. And that $400,000 could be exchanged in a below-market trade for other federal properties. No coincidence: 40 percent of Catellus, which lost $53 million in 1993, is owned by CalPERS, the politically influential state employee retirement fund, which would benefit from the bill.

"The bottom line is we can't afford not to have this park," Babbitt once said. Wrong. America cannot afford these wide acres. Other parks will pay for Babbitt's snake-oil pitch and Feinstein's voodoo financing.

[From the San Francisco Examiner]

REAL ESTATE SYNDICATOR CAPITALIZES ON CATELLUS

(By Bradley Inman)

Not everyone lost money on Catellus. The real estate firm that got the California Public Employees Retirement System to invest in Catellus Development Corp. has been rewarded handsomely.

JMB Realty Corp. was paid a finder's fee or acquisition fee of $7.96 million when Calpers first invested in Catellus, according to Roger Franz, Calpers' mortgage investment officer. Moreover, the Chicago-based real estate firm is paid an annual asset management fee of $2.38 million.

In the 1980s, JMB was one of the nation's largest real estate syndicators, raising money for a raft of property deals across the country, including bringing Catellus and Calpers together. Today, JMB is a property manager, developer and real estate adviser.

"Have you ever heard of someone getting such a fee to manage a stock? It's the most bizarre thing you can imagine," former California State Sen. Dave Elder said earlier this year when Calpers upped its stake in Catellus. While in the state Legislature, the Long Beach Democrat was a frequent critic of Calpers' investment in Catellus.

"It (the fee) is certainly unique," said Mike Kirby, principal in the Newport Beach-based Green Street Advisors, which does institutional research on publicly traded real estate firms. He also described the fee as "excessive, foolish, ridiculous and outrageous" by Wall Street standards.

Calpers Chief Investment Officer DeWitt Bowman defended the fee, noting that it was "competitive with private placement fees at the time."

The fees are part of a partnership agreement that Calpers has with JMB, in which the realty concern acts as managing general partner of Bay Area Real Estate Investment Associates (BAREI). BAREI was formed to invest in Catellus, although Calpers put up 98.8 percent of the money.

"Compared to what some investment bankers get, JMB's (upfront) fees are very low," said Bowman.

He conceded that the ongoing fee may be higher, but he pointed out that "most Wall Street fees are expensed up front and are often very handsome. We spread ours out over the life of the investment."

According to Calpers, the fees go to compensate JMB for independent analysis of Catellus and to represent the pension fund on the board of directors. The two JMB directors on the Catellus board, Darla Totusek Flanagan and Judd D. Malkin, also received $15,000 from Catellus to serve on the board along with $1,000 per board meeting.

A JMB representative referred calls regarding BAREI to Calpers.

Bowman said, "Generally, we get our money's worth."

[From Human Events, June 3, 1994]

INSIDE WASHINGTON: WILL BACK-ROOM DEAL DERAIL DESERT BILL?

Following the Memorial Day recess, the House will consider final approval of the California Desert Protection Act, a monumental environmental bill (HR 518) designed to transfer millions of acres of land in southern California to "protected wilderness." While thousands of endangered property

owners, farmers and local miners on the land are mounting opposition, the bill's sponsors have tried to clear the way for passage by inserting a special financial arrangement—originally crafted by Sen. Dianne Feinstein (D.-Calif.)—for the politically connected Catellus Development Corp., which has large land holdings in the area.

Angered by the inequities and huge additional costs of such a provision, Rep. Jerry Lewis (R.-Calif.) is now planning to fight the Catellus deal, which, if removed, could jeopardize the passage of the bill itself.

Introduced over eight years ago by then Sen. Alan Cranston (D.), the California Desert Protection Act was the result of persistent lobbying by a number of environmental groups—particularly the Sierra Club—that argued that the southern California desert was at serious risk from mining and off-road vehicle use. The bill proposed redesignating tracts of land in and around the East Mojave desert from multiple use standards under the Bureau of Land management to strictly protected wilderness in the National Park Service.

The final version of the bill, however, ended up applying to an immense area far exceeding any original estimates. Shutting off about 7.5 million acres of variegated land (the size of the state of Maryland) to resource extraction and virtually any other use, it represents the largest withdrawal of federal land in the history of the lower 48 states.

The mining industry, which has predicted the bill will cause the loss of $1.6 billion in mineral production per year and 12,000 to 20,000 jobs on the extremely valuable lands, has been a staunch opponent. Also aggrieved are the thousands of private property holders within the areas (inholders) who would face stringent land use regulations and lengthy negotiations with the Park Service over the status of their lands (see Human Events, April 22, 1994).

But perhaps the biggest hurdle for the bill's proponents has been the status of approximately 418,000 acres of land in the protected areas owned by the huge Catellus Corp. According to a staffer on the House Natural Resources Committee, lobbyists for the Catellus Corp.—one of California's biggest land development concerns, with $2.1 billion in real estate assets—were able to hold up the bill for years while they tried to get better terms for their land.

But when Sen. Feinstein was elected in 1992, she resubmitted the ailing California Desert Protection Act originally sponsored by Cranston and made it one of her top legislative priorities. And Feinstein—who has had a close and amicable relationship with the San Francisco-based Catellus Corp. since her days as mayor of that city—was determined to smooth out the rough spots.

FEINSTEIN DEVISES SPECIAL CATELLUS PLAN

In her bill, Feinstein granted Catellus an extremely favorable arrangement for the transfer of its lands. While all other landholders in the protected areas would face the standard, drawn-out, allegedly "fair-market price" government purchases, the Feinstein bill established for Catellus a "special land account"—an unprecedented legal arrangement that will enable the company to immediately exchange its desert lands for other federal property in the state of California or for its cash value.

Such a provision is a hugely important privilege considering that the National Park Service is already about $9 billion and many years behind in payments to numerous property owners under its normal acquisition procedures.

Several members of the Senate Energy and Natural Resources Committee opposed the deal singling out Catellus for the right to swap its property for valuable lands, such as Resolution Trust Corp.-seized property or land no longer used by the military.

Republican critics, who decried the concessions made to Catellus as patently unfair to the other desert landholders and estimated that financing the deal would eventually cost American taxpayers an additional $2 to $3 billion, were able to kill the provision in the Senate version of the bill, which then passed 69 to 29 (See Human Events rollcall, April 22, page 23).

But now, the Catellus provision has reappeared in the House bill being aggressively pushed by Natural Resources Committee Chairman George Miller (D.-Calif.), also of the San Francisco area. Specifically, the bill declares, "The Secretary [of Interior] shall establish an account in the name of Catellus. Upon the transfer of title by Catellus to * * * the United States, the Secretary shall credit the exchange account in the amount of the appraised value. Catellus may use the credits in its account to bid for surplus federal property in California * * * [or] the credits may be sold in whole or part by Catellus to any other party."

The land deal with Catellus has provoked bitter reaction from area mining organizations and property rights groups already angry about the bleak future of their own holdings. Chuck Cushman, executive director of the National Inholders Association, remarked, "It definitely appears that as far as the bill goes, some people are more equal than others."

Don Fife, director of government relations at the National Association of Mining Districts, commented, "[The Catellus deal] is the ultimate in political cynicism. To please the Sierra Club they propose this reckless bill that will thoroughly decimate the miners and * * * then to push it through they cut this huge land deal with Catellus. * * *"

UNDUE FAVORITISM?

Sen. Feinstein, who is up for re-election this fall, is drawing particularly harsh criticism for her role in the desert deal. Besides sponsoring an economically devastating proposal—all four congressmen from affected districts have opposed the bill—she now, with the Catellus deal, also has given the appearance of being involved in a conflict of interest.

In 1984, when mayor of San Francisco, she entered into a massive business/government venture with Catellus to develop the Mission Bay Project, an urban renewal program on San Francisco Bay. In announcing the awarding of a $2.1-billion contract to Catellus to build the project, she declared, "I am prepared to support it before various government bodies."

Now, 10 years later, and considerably over budget, the joint San Francisco Mission Bay project is still unfinished. And the firm that Feinstein chose to build it is now in serious financial trouble. Last year Catellus posted a $400-million loss and its stock has continued to tumble from a high of $38 to about $8 a share.

And the condition of Catellus' health grew considerably more critical for Cranston, and now Feinstein, after the huge California state pension fund Calpers acquired 41% of the stock of Catellus before the firm's stock began to decline.

In a letter to Cranston in 1990, Calpers clearly expressed its demand for a special Catellus deal in the impending desert bill. Dale Hansen, executive officer for Calpers, wrote, "Calpers paid $428 million for this investment [in Catellus], and unless [the bill] adequately compensates owners of land and mineral rights, hundreds of thousands of working people and retired persons in California could suffer financial injury."

Hansen concluded, "The bill must be amended to: (1) exclude a portion of the Catellus holdings thought to have significant mineral deposits, and (2) provide for adequate compensation for other Catellus-owned land."

Rep. Lewis, who says that the Catellus deal is just one aspect of an entirely rotten land acquisition deal, told Human Events, "The Feinstein bill raises visions of robber barons of the Old West. While Sen. Feinstein has largely accommodated large corporate interests, she has forgotten the little guy, the inholders whose land make up our desert."

But Lewis promises that the Catellus provision will not stay in the final bill without a bitter fight on the House floor. He plans to propose an amendment that either the Catellus deal be struck from the bill or that its "special account" for land swaps be extended to everyone holding land within the proposed wilderness areas. Either provision would deal a nearly fatal blow to this massive proposed land grab, but would, as Lewis notes, finally inject a modicum of fairness and sanity into the government's acquisition of private land.

[From the San Francisco Examiner, July 20, 1993]

RIDING OUT THE SLUMP

(By Bradley Inman)

Unlike so many California property companies—most of which are private and struggling—Catellus Development Corp. can't mask how the state's slumping real estate market has hammered the San Francisco-based firm.

The company still has big dreams for its vast property holdings, including San Francisco's 313-acre Mission Bay community. But it is a publicly traded company and its stock performance tells the painful story of the firm's 4-year life, which perfectly parallels the 48-month downturn in the real estate market here.

Take the earliest investor in Catellus. Just before the company was spun off from the Santa Fe Pacific Corp. in 1990, the $81 billion California Public Employment Retirement System (Calpers) bought 19.9 percent of Catellus at a price equivalent to $38 a share or $398 million.

Last week, the stock was trading around $6.75 a share. On paper, the pension fund's original investment sank a whopping 82 percent, representing a $326 million loss. By this measure, Wall Street has been less forgiving of Catellus than the overall California real estate market, which has collapsed 30 to 50 percent.

"If Calpers had just gone out and bought raw land anywhere in California (with their $398 million investment in Catellus), they would have been better off," said consultant Jeffrey Lewis, who has advised Calpers on other real estate transactions.

But while stock investors have heavily discounted the value of Catellus Development Corp., real estate people still drool over the prospects of the company's land holdings. In some of California's most ideal urban settings, these complex deals promise megaprofits on futuristic new towns, massive shopping destinations and expansive new neighborhoods.

Catellus is caught between two worlds: Wall Street and real estate development.

Most property developers are dream peddlers who must aggressively sell the prospects of their projects so that banks lend, so that cities grant approvals and so that consumers use and buy their space.

On its four massive mixed-use projects in California, for example, Catellus has successfully sold its dreams to local civic leaders, elected officials and hometown lenders.

Wall Street, on the other hand, doesn't care much for long-term promises and cares even less about dreamers: It wants to hear about quarterly earnings, cash flow and stock value.

Less than a year after Calpers picked up its expensive 19.9 percent stake in Catellus, the company's stock went public and opened at $8.50 per share. It rose to $15 per share but has been languishing at $5.75 to $8.25 for the last year.

FORMED AT REAL ESTATE PEAK

Catellus was formed at a time when California's real estate market seemed to offer prosperity at every turn, and Santa Fe Pacific's $3.1 billion property portfolio was viewed as a magnificent asset buried inside the railroad giant.

But since 1989, the California real estate market has collapsed and Catellus' holdings have plummeted 31 percent, according to company appraisals which valued its property at $2.1 billion at the end of 1992.

Add a sour market to a tradition by Wall Street to discount land companies and you have a depressed stock.

"This isn't a bankruptcy situation and it's not a $1 stock, but the company hasn't performed as expected," said Mike Kirby of the Newport Beach-based Green Street Advisors, an institutional research firm that does ongoing analysis of Catellus and other publicly traded real estate companies.

However, while Green Street isn't bullish on the stock, it gives Catellus management credit for effectively steering the company through troubled times.

"Vernon Schwartz is a bright capable guy," said Green Street's Jon Fosheim, referring to Catellus' chairman, president and chief executive officer.

Other analysts also give good reviews of management and are more bullish on the firm's prospects. "Catellus is a good company in bad times," said Barry Vinocur, publisher of Realty Stock Review in Shrewsbury, N.J. "It should be a solid long-term growth play."

"This is definitely an undervalued company, but anyone developing in this market has trouble creating value," said San Francisco-based Montgomery Securities' real estate analyst James Wilson.

SELLING TO SHOW A PROFIT

Though it generates sizable revenues from its many industrial office parks, the company has had to sell off small parts of its 950,000 acres of property to show a profit. The vast majority of the holdings are agriculture land and mountain property.

One real estate observer equated this strategy to "someone drinking his own blood to survive."

But company executives say that the land-selling scheme was always an integral part of the Catellus plan.

"We are selling land out of our surplus of desert and mountain holdings—it's not property that is imminently or near-term developable," said Mary Burczyk, a Catellus vice president.

Green Street's Fosheim confirms that "the game plan has always depended on selling land." But he also said that "therein lies the whole problem with the company: Just as they need the liquidity (from land sales) to develop and cover their debt service, they need to sell land at a time when land values have collapsed."

On the dream front, Catellus faces some formidable challenges as a developer.

After putting together a complex entitlement with the cities of Emeryville and Oakland, Catellus is furthest along with its East Baybridge discount warehouse retail project. The company is breaking ground later this summer on the 40-acre site at the crossroads of Interstates 580 and 80 along the Emeryville-Oakland border, which retail experts say is one of the best retail locations in all of California. The 462,000 square-foot project will have a Home Depot, Office Max, Pak 'N Save and SportMart.

SLOW-MOVING MISSION BAY

Moving much slower is Mission Bay, which in many ways embodies the gap between the dream and booked earnings. This project has won all sorts of honors and accolades for its master plan and for the nearly 10-year planning process undertaken by the City and Catellus.

But at best, the company won't break ground on the site until 1994 or 1995. And it plans to start with a modest 150- to 200-unit subdivision on a project that promises 8,000 homes.

Catellus is still negotiating with the City about how to undertake and guarantee the environmental clean-up on the former industrial site, which has toxic problems. Regardless, the company hasn't been too eager to proceed because the real estate market has been so bad, according to Catellus Vice President James W. Augustino.

The company's 1,400-home golf course community in Fremont has received local approvals but, according to Burczyk, financing for the golf course is difficult to obtain in this market. Nevertheless, she said, "It's on track even if it's not on the fast track."

Catellus is also trying to get approval for a major mixed-used project in downtown Los Angeles, and plans for a commercial development in downtown San Diego are stalled by the downturn in the economy.

SCRAMBLING TO RESTRUCTURE

In the meantime, Catellus has been scrambling to restructure its debt, including a $388 million first mortgage loan with the Prudential Insurance Co. of America and a $109 million convertible bond with Calpers.

Prudential committed to refinancing the loan, which comes due in 1994 and 1996. Earlier this year, Calpers doubled its stake in Catellus by converting the bond into $141 million in stock. This boosted Calpers ownership in Catellus to 40 percent.

While company executives say this investment shows a commitment by Calpers, observers say the pension fund had no other choice. If it had demanded payment on the bond, Catellus would have been strapped for funds, hurting its ability to pursue development projects and jeopardizing Calpers' original 19.9 percent stake.

"Short term, we are obviously concerned, but we view Catellus as a long-term investment," said DeWitt Bowman, Calpers' chief investment officer. "We are in a hold position with the investment."

Added Roger Franz, Calpers' mortgage investment officer, "In our portfolio, Catellus is an alternate investment—somewhat similar to a venture capital investment—where there is no expectation of a return for, say, 5 to 7 years."

What's next?

Both its standing on Wall Street and the future of its big projects are driven so much by the state's real estate market. If the market turns around, "a land-rich company can double overnight," said Green Street's Kirby. "Catellus is going to be a timing call."

A turnaround in the real estate market will also help the company finance its big development projects, drive up the value of its land holdings and increase demand for the developments. Catellus' fate is, in many ways, out of the hands of its board of directors and its executives.

On the other hand, because of Wall Street constraints, Catellus can't act like a cavalier developer, which pushes forward in a good market or bad. Wall Street forces the company to be conservative and measured.

These same limits may account for Catellus' survival. Big risks in a bad market have forced many real estate developers out of business.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank my friend, the gentleman from California, for yielding to me.

As a Member who has not been intimately acquainted with the details of the Catellus provisions, I have a few basic questions. I am trying to sort this out as we go through the debate.

My friend, the gentleman from California [Mr. MILLER], described the Catellus investment as being basically retirees in the California retirement system. But as I understand it now, as to Catellus, it is a little deeper than that, in that the Catellus Corp. is a landholding corporation for the Santa Fe Railroad. Is that right?

Mr. LEWIS of California. That is my understanding. Their origin was that.

Mr. MILLER of California. If the gentleman will yield, just a point of clarification, I think the gentleman from California [Mr. LEWIS] said earlier they no longer are that. They are a separate publicly held corporation. I believe about 40 to 45 percent of the stock is now owned by CALPERS.

Mr. HUNTER. So it is a corporation which is now publicly owned, and that means that it has a mix of investors, some of whom are the CALPERS, which is the retirement system in California, but also some people are simply Wall Street investors who thought it was a good investment who bought stock in Catellus. So it is a mixture.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has expired.

(At the request of Mr. HUNTER and by unanimous consent, Mr. LEWIS of California was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of California. Mr. Speaker, I will continue to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, so it is a mixture of owners, some of whom are simply stock investors; others are individuals who invested in CALPERS,

which is the retirement plan for public employees in California, who have invested about, or who have about 40 percent of the stock presently held by Catellus?

Mr. LEWIS of California. Something in excess of that, but the gentleman is correct.

Mr. HUNTER. What the gentleman is talking about is a deal in which, in order to consolidate, as the chairman said, property holdings in the California desert, some of which will be wilderness that is presently checkerboarded private-public-private-public, and Catellus being formerly the railroad holding company, holds a great deal of this land. How much is the gentleman talking about? How much acreage?

Mr. LEWIS of California. In excess of 355,000 acres. Some estimates are as high as 400,000 acres.

Mr. HUNTER. Four hundred thousand acres. The one provision originally of the bill gave Catellus, this holding corporation which holds 400,000 acres in fee, fee simple of land in the proposed wilderness, will be given a menu of other properties held by the Federal Government throughout California or throughout the United States where they could pick and choose which ones they wanted to take in exchange for their giving up ownership of the desert lands?

Mr. LEWIS of California. The original language was much broader than the gentleman suggests. Catellus essentially would have been put at the front of the line, given what could essentially be described as chits. As they saw properties that were within the Federal collection of properties, they could use those chits for value and trade that property. It included not just land that was, like, land in the State of California, but in an unprecedented fashion, land anywhere in the country, and then from there, even other Federal assets were originally included, RTC properties, for example.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has again expired.

(At the request of Mr. HUNTER and by unanimous consent, Mr. LEWIS of California was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of California. I would love to be on the board of directors of a corporation and be able to trade those chits for the assets that are really the public's assets or citizen taxpayers' assets and select from those that I thought were really valuable to me. These assets could include strengths in financial institutions going broke, et cetera.

Mr. HUNTER. So you are saying originally the holding company, the Catellus Corp., could say, "We like this string of condominiums down here. We think we might be able to buy it at fire-sale prices if it is RTC?"

Mr. LEWIS of California. That was the original plan. Yes.

Mr. HUNTER. If I could carry this a little bit further, could you contrast this with, say, a rancher who had 20 acres that was going to be taken that is an inholding in the wilderness area? What choices would that rancher have? Would he be able to look at this menu of properties throughout the United States and make an acquisition or use the chit system you have discussed to acquire those properties?

Mr. LEWIS of California. The amendment, as it would be perfected by the chairman, would put all property owners on an equal footing. They would not be able to trade for properties around the country, as I understand it, but nevertheless, those properties available to them, they would be put on an equal footing which seems to be appropriate.

Mr. HUNTER. Just lastly, as I understand it, basically the chairman's amendment does the same thing the Huffington-Cunningham-Lewis amendment would do, that is, put everybody, Catellus Corp. and small landowners, all on the same playing field where they all have the same opportunity to choose from properties around the country?

Mr. LEWIS of California. Yes, The chairman's perfecting amendment has essentially combined an amendment offered by the gentleman from California [Mr. CUNNINGHAM] and the amendment that was going to be proposed by the gentleman from California [Mr. HUFFINGTON]. As you know, the gentleman from California [Mr. HUFFINGTON] is not able to be here today because of a medical problem.

Mr. HUNTER. Just one last question, and maybe the chairman could elucidate on this, is there any constraint on this still that will be in place under this amendment where the Catellus Corp. and the other landowners now will be able to look at other property around the State or around the country and say, "We would like to trade for that one, we would like to trade for that one?" Have we constrained that at all in this amendment, or will all parties have that opportunity?

Mr. LEWIS of California. It is my understanding that the language, presuming the perfecting amendment, would put all landowners or property owners in the same position on a level playing field.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has again expired.

(At the request of Mr. HUNTER and by unanimous consent, Mr. LEWIS of California was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of California. If the chairman would correct me if I am incorrect, I believe that his perfecting amendment essentially would establish the same language that would be a part of the bill as it currently exists coming from the other body? Is that correct?

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from California.

Mr. CUNNINGHAM. I thank the gentleman for yielding to me.

First of all, I would like to thank the gentleman from California [Mr. HUFFINGTON] and the gentleman from California [Mr. MILLER]; two different ways to solve the same problem, but it takes care of the little guy, and I think that is important in this.

I would also like to thank the gentleman from California [Mr. LEWIS], because I knew you and the gentleman from California [Mr. HUNTER] were going to offer an amendment later, this same amendment, which neutralized and gave the little guy the same rights as the Catellus. I only wish that the other body would have taken this into account instead of looking after the special interests.

I thank the gentleman from California, and I thank the gentleman from California [Mr. MILLER] for the perfecting amendment.

I ask my colleagues to support it.

Mr. LEWIS of California. I appreciate my colleagues being patient with the time on this matter.

The gentleman from California [Mr. HUFFINGTON] has put a great deal of time and effort into this amendment and was going to present the amendment today. Unfortunately, a detached retina has delayed his arrival here in Washington. In the meantime, I urge the Members to support this perfecting amendment.

Mr. MCCANDLESS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am speaking in favor of the amendment.

Mr. Chairman, most of what I have to say has been covered. However, there are some areas here that I think are extremely important, for the purpose of land ownership in areas which are surrounded by public lands that either needs clarification beyond that of this amendment, or some type of colloquy that would explain to the average person what has transpired with respect to the arrangement made between the gentleman from California [Mr. CUNNINGHAM] and the chairman over yesterday's activities.

First, let me explain something here that I think is important, and that is the assets of the Catellus Corp., one cannot deny, are theirs and theirs alone to which they are entitled.

□ 1150

However, I would point out that by far, largely a very high percentage, if not virtually all, of the property held by Catellus is a result of the Railroad Act of the 1860's in which, as an encouragement for the railroads to build

westward, the Federal Government gave them optional, that is, on each side of the railroad, sections of land as an inducement to spend this money to build the railroad for which then they could sell the land as a means of an incentive to go out and borrow these large amounts of money and to make this large investment.

I mention this because the railroad was the original, basic monetary investment in the Catellus property, which originated with Santa Fe. These lands, which constitute a large part of my district, have since been invested in by other parties.

Now having set that stage, I would like to point out that in the area, particularly between the Coachella Valley and Palm Springs area and the Colorado River, if one takes a look at the land map they will see a checkerboard on top of a checkerboard on top of a checkerboard of private ownership, public ownership, private ownership, by sections of land.

The problem we have here is manyfold in that the current legislation before us says that if you own a piece of property in this section that is going to be designated wilderness, you are no longer—you will no longer have access to this property unless you can walk to it.

All right. Now we have that and we have that property surrounded by public land. When we talk about individuals—and they want to dispose of that property because it now is to be in a wilderness area. Unless this amendment is passed, as I understand the structure of its language, then the owner of that section of land, say x amount of acres, cannot sell that land as Mr. Catellus or some other person could—and I mean "Mr." in the sense of the corporation—so he or she becomes a party of the 14th part if they get in line, and there are 14 pieces of the bone left. I think this is not the right thing to do, as I have outlined in the origin of the properties. And I take exception to the fact that we have virtually thousands of private property owners who own sections of land, quarter sections of land, all through the desert area both in my district, Mr. THOMAS' district and particularly in Mr. LEWIS' district, that will not have an opportunity to move forward.

Second, I think we need to clarify what is referred to as Federal surplus lands. Are we talking about, say, a Norton Air Force Base or a March Air Force Base or another Air Force base or an Army base or a Navy base; are these considered to be surplus Federal lands which have a value, which have a value to communities? And where in the pecking order do we have the Catelluses if this amendment is not passed in terms of the purchase of these lands, or the right to have them as that right relates to the economic value of that land within the community in which it exists?

So I have a great deal of concern here about not only how are we going to move forward and take care of the inholdings, where we want to develop a wilderness area and give that landowner a right that he or she deserves with respect to compensation for their land, for which we have none in the bill, I might add, but also how to maintain access to that property, the development of that property, without the approval of the Secretary of the Interior irrespective of whether or not the land use is designated by the county or the jurisdictional land use authority?

The CHAIRMAN. The time of the gentleman from California [Mr. MCCANDLESS] has expired.

(By unanimous consent, Mr. MCCANDLESS was allowed to proceed for 1 additional minute.)

Mr. MCCANDLESS. Mr. Chairman, without the consent of the Secretary of the Interior, we cannot develop that, as I understand it, within a park, within a wilderness area, whatever it might be. This is a multi-faceted thing that deals with the real rights of a property owner.

Yes, the property owner is one of many who should contribute to the public welfare through the eventual sale of that property to the designated area, but in so doing, the property owner is entitled to a series of activities which are equal to those of a higher land use of ownership in terms of numbers.

Mr. Chairman, I do not know that the chairman of the committee would want to respond to this, but there are some real concerns here, given the fact that we are trying to develop wilderness areas, we are trying to address the issue of private ownership.

We talked about eminent domain, fair prices, and therein lie some real questions as to how that comes about based upon the history of the National Park Service and its dealings with private ownership.

I certainly would suggest to my colleagues that it is a good move to approve this amendment, and I ask that it be moved forward.

The CHAIRMAN. The question is on the perfecting amendment to section 604, offered by the gentleman from California [Mr. MILLER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CUNNINGHAM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 419, noes 0, not voting, 20.

[Roll No. 319]

AYES—419

Abercrombie	Andrews (ME)	Applegate
Ackerman	Andrews (NJ)	Archer
Allard	Andrews (TX)	Armey
Bacchus (FL)	Emerson	Kingston
Bachus (AL)	Engel	Kleczka
Baesler	English	Klein
Baker (CA)	Eshoo	Klink
Baker (LA)	Evans	Klug
Ballenger	Everett	Knollenberg
Barca	Faleomavaega (AS)	Kolbe
Barcia	Farr	Kopetski
Barrett (NE)	Fawell	Kreidler
Barrett (WI)	Fazio	Kyl
Bartlett	Fields (LA)	LaFalce
Barton	Fields (TX)	Lambert
Bateman	Filner	Lancaster
Becerra	Fingerhut	Lantos
Beilenson	Fish	LaRocco
Bentley	Flake	Lazio
Bereuter	Foglietta	Leach
Berman	Ford (MI)	Lehman
Bevill	Ford (TN)	Levin
Bilbray	Fowler	Levy
Bilirakis	Frank (MA)	Lewis (CA)
Blackwell	Franks (CT)	Lewis (FL)
Bliley	Franks (NJ)	Lewis (GA)
Blute	Frost	Lewis (KY)
Boehlert	Furse	Lightfoot
Boehner	Gallegly	Linder
Bonilla	Gejdenson	Lipinski
Bonior	Gekas	Livingston
Borski	Gephardt	Lloyd
Boucher	Geren	Long
Brewster	Gibbons	Lowey
Brooks	Gilchrest	Lucas
Browder	Gillmor	Machtley
Brown (CA)	Gilman	Maloney
Brown (FL)	Gingrich	Mann
Brown (OH)	Glickman	Manton
Bryant	Gonzalez	Manzullo
Bunning	Goodlatte	Margolies-Mezvinsky
Burton	Goodling	Markey
Buyer	Gordon	Martinez
Byrne	Goss	Matsui
Callahan	Grams	Mazzoli
Calvert	Grandy	McCandless
Camp	Green	McCloskey
Canady	Greenwood	McCollum
Cantwell	Gunderson	McCrery
Cardin	Gutierrez	McDermott
Carr	Hall (OH)	McHale
Castle	Hall (TX)	McHugh
Chapman	Hamburg	McInnis
Clay	Hamilton	McKeon
Clayton	Hancock	McKinney
Clement	Hansen	McMillan
Clinger	Harman	McNulty
Clyburn	Hastert	Meehan
Coble	Hastings	Meek
Coleman	Hayes	Menendez
Collins (GA)	Hefley	Meyers
Collins (IL)	Hefner	Mfume
Collins (MI)	Herger	Mica
Combest	Hilliard	Michel
Condit	Hinchey	Miller (CA)
Conyers	Hoagland	Miller (FL)
Cooper	Hobson	Mineta
Coppersmith	Hochbrueckner	Minge
Costello	Hoekstra	Mink
Cox	Hoke	Moakley
Coyne	Holden	Molinari
Cramer	Horn	Mollohan
Crane	Houghton	Montgomery
Crapo	Hoyer	Moorhead
Cunningham	Hughes	Morella
Darden	Hunter	Murtha
de la Garza	Hutchinson	Myers
de Lugo (VI)	Hutto	Nadler
Deal	Hyde	Neal (MA)
DeFazio	Inglis	Neal (NC)
DeLauro	Inhofe	Norton (DC)
DeLay	Inslee	Nussle
Dellums	Istook	Oberstar
Derrick	Jacobs	Olver
Deutsch	Jefferson	Ortiz
Diaz-Balart	Johnson (CT)	Orton
Dickey	Johnson (GA)	Owens
Dingell	Johnson (SD)	Oxley
Dixon	Johnson, E.B.	Packard
Dooley	Johnston	Pallone
Doolittle	Kanjorski	Parker
Dornan	Kaptur	Pastor
Dreier	Kasich	Paxon
Duncan	Kennedy	Payne (NJ)
Dunn	Kennelly	Payne (VA)
Durbin	Kildee	Pelosi
Edwards (CA)	Kim	Penny
Edwards (TX)	King	Peterson (FL)
Ehlers		

Peterson (MN)	Schaefer	Taylor (MS)
Petri	Schenk	Taylor (NC)
Pickett	Schiff	Tejeda
Pickle	Schroeder	Thomas (CA)
Pombo	Schumer	Thomas (WY)
Pomeroy	Scott	Thompson
Porter	Sensenbrenner	Thornton
Portman	Serrano	Thurman
Poshard	Sharp	Torkildsen
Price (NC)	Shaw	Torres
Pryce (OH)	Shays	Torricelli
Quillen	Shepherd	Towns
Quinn	Shuster	Traficant
Rahall	Sisisky	Tucker
Ramstad	Skaggs	Underwood (GU)
Rangel	Skeen	Unsoeld
Ravenel	Skelton	Upton
Reed	Slaughter	Valentine
Regula	Smith (IA)	Velazquez
Reynolds	Smith (MI)	Vento
Richardson	Smith (NJ)	Visclosky
Roberts	Smith (OR)	Vucanovich
Roemer	Smith (TX)	Walker
Rogers	Snowe	Walsh
Rohrabacher	Solomon	Waters
Romero-Barcelo (PR)	Spence	Watt
	Spratt	Waxman
Ros-Lehtinen	Stark	Weldon
Rose	Stearns	Wheat
Rostenkowski	Stenholm	Whitten
Roth	Stokes	Williams
Roukema	Strickland	Wilson
Roybal-Allard	Studds	Wolf
Royce	Stump	Woolsey
Rush	Stupak	Wyden
Sabo	Sundquist	Wynn
Sanders	Swett	Yates
Sangmeister	Swift	Young (AK)
Santorum	Synar	Young (FL)
Sarpalius	Talent	Zeliff
Sawyer	Tanner	Zimmer
Saxton	Tauzin	

NOT VOTING—20

Barlow	Johnson, Sam	Ridge
Bishop	Laughlin	Rowland
Danner	McCurdy	Slattery
Dicks	McDade	Volkmer
Ewing	Moran	Washington
Gallo	Murphy	Wise
Huffington	Obey	

□ 1216

Ms. VELÁZQUEZ, Ms. HARMON, Mr. ROEMER, and Mr. BATEMAN changed their vote from "no" to "aye."

So the perfecting amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment to strike offered by the gentleman from California [Mr. CUNNINGHAM].

The question was taken; and the Chairman announced that the noes appeared to have it.

So the perfecting amendment to strike was rejected.

The CHAIRMAN. Are there further amendments?

PARLIAMENTARY INQUIRIES

Mr. CUNNINGHAM. Mr. Chairman, I have a parliamentary inquiry. No Member said, "no." There was not a single "no." How could the "noes" have it?

The CHAIRMAN. The Chair announced that the "noes" had it.

Mr. VENTO. Mr. Chairman, I could not hear.

The CHAIRMAN. The Chair put the question to a vote on the amendment to strike as submitted by the gentleman from California [Mr. CUNNINGHAM]. In the vote, as voice voted, the Chair recognized that the "noes" had it.

Mr. CUNNINGHAM. Mr. Chairman, I have a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CUNNINGHAM. If there were "ayes" and there were absolutely no recorded "noes," how does the Chair say that the "noes" have it?

The CHAIRMAN. The Chair recognized the "noes," and the Chair himself voted "no."

Mr. CUNNINGHAM. That is one vote, Mr. Chairman. At least 10 Members said "aye."

Mr. VENTO. Mr. Chairman, I have a parliamentary inquiry.

Mr. Chairman, if the amendment to strike had been successful, then the perfecting amendment offered by the gentleman from California [Mr. MILLER], which was agreed to, would be stricken; is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. VENTO. I have a further parliamentary inquiry, Mr. Chairman.

The situation now is that the Miller language, as perfected, is in the bill, is that correct, as agreed to by the gentleman from California [Mr. CUNNINGHAM]?

The CHAIRMAN. The gentleman is correct.

Mr. VENTO. I thank the Chair.

Mr. CUNNINGHAM. I thank the Chair.

The CHAIRMAN. Are there further amendments to title VI?

If not, the Clerk will designate title VII.

The text of title VII is as follows:

TITLE VII—DEFINITIONS AND AUTHORIZATION OF APPROPRIATIONS

DEFINITIONS

SEC. 701. For the purposes of this Act:

(1) The term "Secretary", unless specifically designated otherwise, means the Secretary of the Interior.

(2) The term "public lands" means any land and interest in land owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management.

AUTHORIZATION OF APPROPRIATIONS

SEC. 702. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The CHAIRMAN. Are there amendments to title VII or the remainder of the bill?

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VENTO:

—Page 69, after line 23, add the following:

TITLE VIII—CALIFORNIA MILITARY LANDS WITHDRAWAL

SEC. 801. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "California Military Lands Withdrawal and Overflights Act of 1994".

(b) FINDINGS.—The Congress finds that—

(1) the Federal lands within the desert regions of California have provided essential opportunities for military training, research, and development for the Armed Forces of the United States and allied nations;

(2) alternative sites for military training and other military activities carried out on Federal lands in the California desert area are not readily available;

(3) while changing world conditions have lessened to some extent the immediacy of military threats to the national security of the United States and its allies, there remains a need for military training, research, and development activities of the types that have been carried out of Federal lands in the California desert area; and

(4) continuation of existing military training, research, and development activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.

SEC. 802. WITHDRAWALS.

(a) CHINA LAKE.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) use as a research, development, test, and evaluation laboratory;

(B) use as a range for air warfare weapons and weapon systems;

(C) use as a high hazard training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support; and

(D) subject to the requirements of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands, located within the boundaries of the China Lake Naval Weapons Center, comprising approximately 1,100,000 acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal—Proposed", dated January 1985, and filed in accordance with section 803.

(b) CHOCOLATE MOUNTAIN.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) testing and training for aerial bombing, missile firing, tactical maneuvering and air support; and

(B) subject to the provisions of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately 226,711 acres in Imperial County, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Proposed—Withdrawal" dated

July 1993 and filed in accordance with section 803.

(c) EL CENTRO RANGES.—(1) Subject to valid existing rights, and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundaries of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws) but not the mineral or geothermal leasing laws. Such lands are reserved for use by the Secretary of the Navy for—

(A) defense-related purposes in accordance with the Memorandum of Understanding dated June 29, 1987, between the Bureau of Land Management, the Bureau of Reclamation, and the Department of the Navy; and

(B) subject to the provisions of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately 46,600 acres in Imperial County, California, as generally depicted on a map entitled "Exhibit A, Naval Air Facility, El Centro, California, Land Acquisition Map, Range 2510 (West Mesa)" dated March 1993 and a map entitled "Exhibit B, Naval Air Facility, El Centro, California, Land Acquisition Map Range 2512 (East Mesa)" dated March 1993.

SEC. 803. MAPS AND LEGAL DESCRIPTIONS.

(a) PUBLICATION AND FILING REQUIREMENT.—As soon as practicable after the date of enactment of this title, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Natural Resources of the United States House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if they were included in this title except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the Office of the Director of the Bureau of Land Management, Washington, District of Columbia; the Office of the Director, California State Office of the Bureau of Land Management, Sacramento, California; the office of the commander of the Naval Weapons Center, China Lake, California; the office of the commanding officer, Marine Corps Air Station, Yuma, Arizona; and the Office of the Secretary of Defense, Washington, District of Columbia.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of the Interior for the cost of implementing this section.

SEC. 804. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—(1) Except as provided in subsection (g), during the period of the withdrawal the Secretary of the Interior shall manage the lands withdrawn under section 802 pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this Act.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn under section 802 may be managed in a manner permitting—

(A) the continuation of grazing pursuant to applicable law and Executive orders where permitted on the date of enactment of this title;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation (but only on lands withdrawn by section 802(a) (relating to China Lake));

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities; and

(F) geothermal leasing on the lands withdrawn under section 802(a) (relating to China Lake).

(3)(A) All nonmilitary use of such lands, including the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this title.

(B) The Secretary of the Interior may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the Navy.

(b) CLOSURE TO PUBLIC.—(1) If the Secretary of the Navy determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this title, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the Navy determines are required to carry out this subsection.

(3) Before and during any closure under this subsection, the Secretary of the Navy shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) MANAGEMENT PLAN.—The Secretary of the Interior (after consultation with the Secretary of the Navy) shall develop a plan for the management of each area withdrawn under section 802 during the period of such withdrawal. Each plan shall—

(1) be consistent with applicable law;

(2) be subject to conditions and restrictions specified in subsection (a)(3);

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such area; and

(4) be developed not later than three years after the date of enactment of this title.

(d) BRUSH AND RANGE FIRES.—The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn under section 802 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary of the Interior and the Secretary of the Navy shall (with respect to each land withdrawal under section 802) enter into a memorandum of understanding to implement the management plan developed under subsection (c) Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn under section 802 if requested by the Secretary of the Navy.

(2) The duration of any such memorandum shall be the same as the period of the withdrawal of the lands under section 802.

(f) ADDITIONAL MILITARY USES.—(1) Lands withdrawn by section 802 may be used for defense-related uses other than those specified in such section. The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that the lands withdrawn by this title will be used for defense-related purposes other than those specified in section 802. Such notification shall indicate the additional use of uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the withdrawn land or portions thereof.

(g) MANAGEMENT OF CHINA LAKE.—(1) The Secretary of the Interior may assign the management responsibility for the lands withdrawn under section 802(a) to the Secretary of the Navy who shall manage such lands, and issue leases, easements, rights-of-way, and other authorizations, in accordance with this title and cooperative management arrangements between the Secretary of the Interior and the Secretary of the Navy. In the case that the Secretary of the Interior assigns such management responsibility to the Secretary of the Navy before the development of the management plan under subsection (c), the Secretary of the Navy (after consultation with the Secretary of the Interior) shall develop such management plan.

(2) The Secretary of the Interior shall be responsible for the issuance of any lease, easement, right-of-way, and other authorization with respect to any activity which involves both the lands withdrawn under section 802(a) and any other lands. Any such authorization shall be issued only with the consent of the Secretary of the Navy and, to the extent that such activity involves lands withdrawn under section 802(a), shall be subject to such conditions as the Secretary of the Navy may prescribe.

(3) The Secretary of the Navy shall prepare and submit to the Secretary of the Interior and annual report on the status of the natural and cultural resources and values of the lands withdrawn under section 802(a). The Secretary of the Interior shall transmit such report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(4) The Secretary of the Navy shall be responsible for the management of wild horses and burros located on the lands withdrawn under section 802(a) and may utilize helicopters and motorized vehicles for such purposes. Such management shall be in accordance with laws applicable to such management on public lands and with an appropriate memorandum of understanding between the Secretary of the Interior and the Secretary of the Navy.

(5) Neither this Act nor any other provision of law shall be construed to prohibit the

Secretary of the Interior from issuing and administering any lease for the development and utilization of geothermal steam and associated geothermal resources on the lands withdrawn under section 802(a) pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other applicable law, but no such lease shall be issued without the concurrence of the Navy.

(6) This title shall not affect the geothermal exploration and development authority of the Secretary of the Navy under section 2689 of title 10, United States Code, except that the Secretary of the Navy shall obtain the concurrence of the Secretary of the Interior before taking action under that section with respect to the lands withdrawn under section 802(a).

(7) Upon the expiration of the withdrawal made by subsection 802(a) or relinquishment of the lands withdrawn by that subsection, Navy contracts for the development of geothermal resources at China Lake then in effect (including amendments or renewals by the Navy after the date of enactment of this Act shall remain in effect: *Provided*, that the Secretary of the Interior, with the consent of the Secretary of the Navy, may offer to substitute a standard geothermal lease for any such contract.

(h) MANAGEMENT OF EL CENTRO RANGES.—To the extent consistent with this title, the lands and minerals within the areas described in section 802(c) shall be managed in accordance with the Cooperative Agreement entered into between the Bureau of Land Management, Bureau of Reclamation, and the Department of the Navy, dated June 29, 1987.

SEC. 805. DURATION OF WITHDRAWALS.

(a) DURATION.—The withdrawal and reservation established by this title shall terminate 15 years after the date of enactment of this Act.

(b) DRAFT ENVIRONMENTAL IMPACT STATEMENT.—No later than 12 years after the date of enactment of this Act, the Secretary of the Navy shall publish a draft environmental impact statement concerning continued or renewed withdrawal of any portion of the lands withdrawn by this title for which that Secretary intends to seek such continued or renewed withdrawal. Such draft environmental impact statement shall be consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to such a draft environmental impact statement. Prior to the termination date specified in subsection (a), the Secretary of the Navy shall hold a public hearing on any draft environmental impact statement published pursuant to this subsection. Such hearing shall be held in the State of California in order to receive public comments on the alternatives and other matters included in such draft environmental impact statement.

(c) EXTENSIONS OR RENEWALS.—The withdrawals established by this title may not be extended or renewed except by an Act or joint resolution.

SEC. 806. ONGOING DECONTAMINATION.

(a) PROGRAM.—Throughout the duration of the withdrawals made by this title, the Secretary of the Navy, to the extent funds are made available, shall maintain a program of decontamination of lands withdrawn by this title at least at the level of decontamination activities performed on such lands in fiscal year 1986.

(b) REPORTS.—At the same time as the President transmits to the Congress the President's proposed budget for the first fiscal year beginning after the date of enactment of this Act and for each subsequent fiscal year, the Secretary of the Navy shall transmit to the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the Senate and to the Committees on Appropriations, Armed Services, and Natural Resources of the House of Representatives a description of the decontamination efforts undertaken during the previous fiscal year on such lands and the decontamination activities proposed for such lands during the next fiscal year including:

(1) amounts appropriated and obligated or expended for decontamination of such lands;

(2) the methods used to decontaminate such lands;

(3) amount and types of contaminants removed from such lands;

(4) estimated types and amounts of residual contamination on such lands; and

(5) an estimate of the costs for full decontamination of such lands and the estimate of the time to complete such decontamination.

SEC. 807. REQUIREMENTS FOR RENEWAL.

(a) NOTICE AND FILING.—(1) No later than three years prior to the termination of the withdrawal and reservation established by this title, the Secretary of the Navy shall advise the Secretary of the Interior as to whether or not the Secretary of the Navy will have a continuing military need for any of the lands withdrawn under section 802 after the termination date of such withdrawal and reservation.

(2) If the Secretary of the Navy concludes that there will be a continuing military need for any of such lands after the termination date, the Secretary shall file an application for extension of the withdrawal and reservation of such needed lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals of lands for military uses.

(3) If, during the period of withdrawal and reservation, the Secretary of the Navy decides to relinquish all or any of the lands withdrawn and reserved by this title, the Secretary shall file a notice of intention to relinquish with the Secretary of the Interior.

(b) CONTAMINATION.—(1) Before transmitting a notice of intention to relinquish pursuant to subsection (a), the Secretary of Defense, acting through the Department of Navy, shall prepare a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of such determination shall be transmitted with the notice of intention to relinquish.

(3) Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

(c) DECONTAMINATION.—If any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the Navy, determines that decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land) and that upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws, the Secretary of the Navy shall decontaminate the land to the extent that funds are appropriated for such purpose.

(d) ALTERNATIVES.—If the Secretary of the Interior, after consultation with the Secretary of the Navy, concludes that decontamination of any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is not practicable or economically feasible, or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws, or if Congress does not appropriate a sufficient amount of funds for the decontamination of such land, the Secretary of the Interior shall not be required to accept the land proposed for relinquishment.

(e) STATUS OF CONTAMINATED LANDS.—If, because of their contaminated sate, the Secretary of the Interior declines to accept jurisdiction over lands withdrawn by this title which have been proposed for relinquishment, or if at the expiration of the withdrawal made by this title the Secretary of the Interior determines that some of the lands withdrawn by this title are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the Navy shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Navy shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the Navy shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(f) REVOCATION AUTHORITY.—Notwithstanding any other provision of law, the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), is authorized to remove the withdrawal and reservation established by this title as it applies to such lands. Should the decision be made to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of some or all of the public lands laws, including the mining laws.

SEC. 808. DELEGABILITY.

(a) DEFENSE.—The functions of the Secretary of Defense or the Secretary of the Navy under this title may be delegated.

(b) INTERIOR.—The functions of the Secretary of the Interior under this title may be delegated, except that an order described in section 807(f) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 809. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn by this Act shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

SEC. 810. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injury or damage to persons or property suffered in the course of any geothermal leasing or other authorized nonmilitary activity conducted on lands described in section 802 of this title.

SEC. 811. MILITARY OVERFLIGHTS.

(a) EFFECT OF ACT.—(1) Nothing in this Act shall be construed to—

(A) restrict or preclude continuation of low-level military overflights, including those on existing flight training routes; or

(B) preclude the designation of new units of special airspace or the establishment of new flight training routes over the lands designated by this Act for inclusion within new or expanded units of the National Park System or National Wilderness Preservation System.

(2) Nothing in this Act shall be construed as requiring revision of existing policies or procedures applicable to the designation of units of special airspace or the establishment of flight training routes over any Federal lands affected by this Act.

(b) MONITORING.—The Secretary of the Interior and the Secretary of Defense shall monitor the effects of military overflights on the resources and values of the units of the National Park System and National Wilderness Preservation System designated or expanded by this Act, and shall attempt, consistent with national security needs, to resolve concerns related to such overflights and to avoid or minimize adverse impacts on resources and values and visitor safety associated with overflight activities.

SEC. 812. TERMINATION OF PRIOR RECLAMATION WITHDRAWALS.

Except to the extent that existing Bureau of Reclamation withdrawals of public lands were identified for continuation in Federal Register Notice Document 92-4838 (57 Federal Register 7599, March 3, 1992), as amended by Federal Register Correction Notices (57 Federal Register 19135, May 4, 1992; 57 Federal Register 19163, May 4, 1992; and 58 Federal Register 30181, May 26, 1993), all existing Bureau of Reclamation withdrawals made by Secretarial Orders and Public Land Orders affecting public lands and Indian lands located within the California Desert Conservation Area established pursuant to section 601 of the Federal Land Policy and Management Act of 1976 are hereby terminated.

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

MODIFICATION TO AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I ask unanimous consent that the amendment be modified with the technical corrections that I have sent to the desk, which are non-controversial and technical in nature.

The CHAIRMAN. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mr. VENTO: Page 69, after line 23, add the following:

TITLE VIII—CALIFORNIA MILITARY LANDS WITHDRAWAL

SEC. 801. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "California Military Lands Withdrawal and Overflights Act of 1994".

(b) FINDINGS.—The Congress finds that—

(1) the Federal lands within the desert regions of California have provided essential opportunities for military training, research, and development for the Armed Forces of the United States and allied nations;

(2) alternative sites for military training and other military activities carried out on Federal lands in the California desert area are not readily available;

(3) while changing world conditions have lessened to some extent the immediacy of military threats to the national security of the United States and its allies, there remains a need for military training, research, and development activities of the types that have been carried out on Federal lands in the California desert areas; and

(4) continuation of existing military training, research, and development activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.

SEC. 802. WITHDRAWALS.

(a) CHINA LAKE.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) use as a research, development, test, and evaluation laboratory;

(B) use as a range for air warfare weapons and weapon systems;

(C) use as a high hazard training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support; and

(D) subject to the requirements of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands, located within the boundaries of the China Lake Naval Weapons Center, comprising approximately 1,100,000 acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal—Proposed", dated January 1985, and filed in accordance with section 803.

(b) CHOCOLATE MOUNTAIN.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) testing and training for aerial bombing, missile firing, tactical maneuvering and air support; and

(B) subject to the provisions of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately 226,711 acres in Imperial County, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Proposed—Withdrawal" dated July 1993 and filed in accordance with section 803.

(c) EL CENTRO RANGES.—(1) Subject to valid existing rights, and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundaries of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws) but not the mineral or geothermal leasing laws. Such lands are reserved for use by the Secretary of the Navy for—

(A) defense-related purposes in accordance with the Memorandum of Understanding date June 29, 1987, between the Bureau of Land Management, the Bureau of Reclamation, and the Department of the Navy; and

(B) subject to the provisions of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately 46,600 acres in Imperial County, California, as generally depicted on a map entitled "Exhibit A, Naval Air Facility, El Centro, California, Land Acquisition Map, Range 2510 (West Mesa) dated March 1993 and a map entitled "Exhibit B, Naval Air Facility, El Centro, California, Land Acquisition Map Range 2512 (East Mesa)" dated March 1993.

SEC. 803. MAPS AND LEGAL DESCRIPTIONS.

(a) PUBLICATION AND FILING REQUIREMENT.—As soon as practicable after the date of enactment of this title, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Natural Resources of the United States House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if they were included in this title except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the Office of the Director of the Bureau of Land Management, Washington, District of Columbia; the Office of the Director, California State Office of the Bureau of Land Management, Sacramento, California; the office of the commander of the Naval Weapons Center, China Lake, California; the office of the commanding officer, Marine Corps Air Station, Yuma, Arizona; and the Office of the Secretary of Defense, Washington, District of Columbia.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of the Interior for the cost of implementing this section.

SEC. 804. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—(1) Except as provided in subsection (g), during the period of the withdrawal the Secretary of the Interior shall manage the lands withdrawn under section 802 pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et

seq.) and other applicable law, including this Act.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn under section 802 may be managed in a manner permitting—

(A) the continuation of grazing pursuant to applicable law and Executive orders where permitted on the date of enactment of this title;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation (but only on lands withdrawn by section 802(a) (relating to China Lake));

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities; and

(F) geothermal leasing and development and related power production activities on the lands withdrawn under section 802(a) (relating to China Lake).

(3)(A) All nonmilitary use of such lands, including the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this title.

(B) The Secretary of the Interior may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the Navy.

(b) CLOSURE TO PUBLIC.—(1) If the Secretary of the Navy determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this title, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the Navy determines are required to carry out this subsection.

(3) Before and during any closure under this subsection, the Secretary of the Navy shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) MANAGEMENT PLAN.—The Secretary of the Interior (after consultation with the Secretary of the Navy) shall develop a plan for the management of each area withdrawn under section 802 during the period of such withdrawal. Each plan shall—

(1) be consistent with applicable law;

(2) be subject to conditions and restrictions specified in subsection (a)(3);

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such area; and

(4) be developed not later than three years after the date of enactment of this title.

(d) BRUSH AND RANGE FIRES.—The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn under section 802 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary of the Interior and the Secretary of the Navy shall (with respect to each land withdrawal under section 802) enter into to memorandum of understanding to implement the management plan developed under subsection (c). Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn under section 802 if requested by the Secretary of the Navy.

(2) The duration of any such memorandum shall be the same as the period of the withdrawal of the lands under section 802.

(f) ADDITIONAL MILITARY USES.—(1) Lands withdrawn by section 802 may be used for defense-related uses other than those specified in such section. The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that the lands withdrawn by this title will be used for defense-related purposes other than those specified in section 802. Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the withdrawn land or portions thereof.

(g) MANAGEMENT OF CHINA LAKE.—(1) The Secretary of the Interior may assign the management responsibility for the lands withdrawn under section 802(a) to the Secretary of the Navy who shall manage such lands, and issue leases, easements, rights-of-way, and other authorizations, in accordance with this title and cooperative management arrangements between the Secretary of the Interior and the Secretary of the Navy. In the case that the Secretary of the Interior assigns such management responsibility to the Secretary of the Navy before the development of the management plan under subsection (c), the Secretary of the Navy (after consultation with the Secretary of the Interior) shall develop such management plan.

Nothing in this title shall affect geothermal leases issued by the Secretary of the Interior prior to the date of enactment of this title or the responsibility of the Secretary to administer and manage such leases consistent with the provisions of this title.

(2) The Secretary of the Interior shall be responsible for the issuance of any lease, easement, right-of-way, and other authorization with respect to any activity which involves both the lands withdrawn under section 802(a) and any other lands. Any such authorization shall be issued only with the consent of the Secretary of the Navy and, to the extent that such activity involves lands withdrawn under section 802(a), shall be subject to such conditions as the Secretary of the Navy may prescribe.

(3) The Secretary of the Navy shall prepare and submit to the Secretary of the Interior an annual report on the status of the natural and cultural resources and values of the lands withdrawn under section 802(a). The Secretary of the Interior shall transmit such report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(4) The Secretary of the Navy shall be responsible for the management of wild horses and burros located on the lands withdrawn under section 802(a) and may utilize helicopters and motorized vehicles for such purposes. Such management shall be in accordance with laws applicable to such management on public lands and with an appropriate memorandum of understanding between the Secretary of the Interior and the Secretary of the Navy.

(5) Neither this Act nor any other provision of law shall be construed to prohibit the Secretary of the Interior from issuing and administering any lease for the development and utilization of geothermal steam and associated geothermal resources on the lands withdrawn under section 802(a) pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other applicable law, but no such lease shall be issued without the concurrence of the Secretary of the Navy.

(6) This title shall not affect the geothermal exploration and development authority of the Secretary of the Navy under section 2689 of title 10, United States Code, except that the Secretary of the Navy shall obtain the concurrence of the Secretary of the Interior before taking action under that section with respect to the lands withdrawn under section 802(a).

(7) Upon the expiration of the withdrawal made by subsection (a) of section 802 or relinquishment of the lands withdrawn by that subsection, Navy contracts for the development of geothermal resources at China Lake then in effect (including amendments or renewals by the Navy after the date of enactment of this Act) shall remain in effect: *Provided*, That the Secretary of the Interior, with the consent of the Secretary of the Navy, may offer to substitute a standard geothermal lease for any such contract.

(h) MANAGEMENT OF EL CENTRO RANGES.—To the extent consistent with this title, the lands and minerals within the areas described in section 802(c) shall be managed in accordance with the Cooperative Agreement entered into between the Bureau of Land Management, Bureau of Reclamation, and the Department of the Navy, dated June 29, 1987.

SEC. 805. DURATION OF WITHDRAWALS.

(a) DURATION.—The withdrawal and reservation established by this title shall terminate 15 years after the date of enactment of this Act.

(b) DRAFT ENVIRONMENTAL IMPACT STATEMENT.—No later than 12 years after the date of enactment of this Act, the Secretary of the Navy shall publish a draft environmental impact statement concerning continued or renewed withdrawal of any portion of the lands withdrawn by this title for which the Secretary intends to seek such continued or renewed withdrawal. Such draft environmental impact statement shall be consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to such a draft environmental impact statement. Prior to the termination date specified in subsection (a), the Secretary of the Navy shall hold a public hearing on any draft environmental impact statement published pursuant to this subsection. Such hearing shall be held in the State of California in order to receive public comments on the alternatives and other matters included in such draft environmental impact statement.

(c) EXTENSIONS OR RENEWALS.—The withdrawals established by this title may not be extended or renewed except by an Act or joint resolution.

SEC. 806. ONGOING DECONTAMINATION.

(a) PROGRAM.—Throughout the duration of the withdrawals made by this title, the Secretary of the Navy, to the extent funds are made available, shall maintain a program of decontamination of lands withdrawn by this

title at least at the level of decontamination activities performed on such lands in fiscal year 1986.

(b) REPORTS.—At the same time as the President transmits to the Congress the President's proposed budget for the first fiscal year beginning after the date of enactment of this Act and for each subsequent fiscal year, the Secretary of the Navy shall transmit to the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the Senate and to the Committees on Appropriations, Armed Services, and Natural Resources of the House of Representatives a description of the decontamination efforts undertaken during the previous fiscal year on such lands and the decontamination activities proposed for such lands during the next fiscal year including:

(1) amounts appropriated and obligated or expended for decontamination of such lands;

(2) the methods used to decontaminate such lands;

(3) amount and types of contaminants removed from such lands;

(4) estimated types and amounts of residual contamination on such lands; and

(5) an estimate of the costs for full decontamination of such lands and the estimate of the time to complete such decontamination.

SEC. 807. REQUIREMENTS FOR RENEWAL.

(a) NOTICE AND FILING.—(1) No later than three years prior to the termination of the withdrawal and reservation established by this title, the Secretary of the Navy shall advise the Secretary of the Interior as to whether or not the Secretary of the Navy will have a continuing military need for any of the lands withdrawn under section 802 after the termination date of such withdrawal and reservation.

(2) If the Secretary of the Navy concludes that there will be a continuing military need for any of such lands after the termination date, the Secretary shall file an application for extension of the withdrawal and reservation of such needed lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals of lands for military uses.

(3) If, during the period of withdrawal and reservation, the Secretary of the Navy decides to relinquish all or any of the lands withdrawn and reserved by this title, the Secretary shall file a notice of intention to relinquish with the Secretary of the Interior.

(b) CONTAMINATION.—(1) Before transmitting a notice of intention to relinquish pursuant to subsection (a), the Secretary of Defense, acting through the Department of Navy, shall prepare a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of such determination shall be transmitted with the notice of intention to relinquish.

(3) Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

(c) DECONTAMINATION.—If any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the Navy, determines that decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land) and that upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws, the Secretary of the Navy shall decontaminate the land to the extent that funds are appropriated for such purpose.

(d) ALTERNATIVES.—If the Secretary of the Interior, after consultation with the Secretary of the Navy, concludes that decontamination of any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is not practicable or economically feasible, or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws, or if Congress does not appropriate a sufficient amount of funds for the decontamination of such land, the Secretary of the Interior shall not be required to accept the land proposed for relinquishment.

(e) STATUS OF CONTAMINATED LANDS.—If, because of their contaminated state, the Secretary of the Interior declines to accept jurisdiction over lands withdrawn by this title which have been proposed for relinquishment, or if at the expiration of the withdrawal made by this title the Secretary of the Interior determines that some of the lands withdrawn by this title are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the Navy shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Navy shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the Navy shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(f) REVOCATION AUTHORITY.—Notwithstanding any other provision of law, the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), is authorized to revoke the withdrawal and reservation established by this title as it applies to such lands. Should the decision be made to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of some or all of the public lands laws, including the mining laws.

SEC. 808. DELEGABILITY.

(a) DEFENSE.—The functions of the Secretary of Defense or the Secretary of the Navy under this title may be delegated.

(b) INTERIOR.—The functions of the Secretary of the Interior under this title may be delegated, except that an order described in section 807(f) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 809. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn by this title shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

SEC. 810. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injury or damage to persons or property suffered in the course of any geothermal leasing or other authorized nonmilitary activity conducted on lands described in section 802 of this title.

SEC. 811. MILITARY OVERFLIGHTS.

(a) EFFECT OF ACT.—(1) Nothing in this Act shall be construed to—

(A) restrict or preclude continuation of low-level military overflights, including those on existing flight training routes; or

(B) preclude the designation of new units of special airspace or the establishment of new flight training routes;

over the lands designated by this Act for inclusion within new or expanded units of the National Park System or National Wilderness Preservation System.

(2) Nothing in this Act shall be construed as requiring revision of existing policies or procedures applicable to the designation of units of special airspace or the establishment of flight training routes over any Federal lands affected by this Act.

(b) MONITORING.—The Secretary of the Interior and the Secretary of Defense shall monitor the effects of military overflights on the resources and values of the units of the National Park System and National Wilderness Preservation System designated or expanded by this Act, and shall attempt, consistent with national security needs, to resolve concerns related to such overflights and to avoid or minimize adverse impacts on resources and values and visitor safety associated with overflight activities.

SEC. 812. TERMINATION OF PRIOR RECLAMATION WITHDRAWALS.

Except to the extent that existing Bureau of Reclamation withdrawals of public lands were identified for continuation in Federal Register Notice Document 92-4838 (57 Federal Register 7599, March 3, 1992), as amended by Federal Register Correction Notices (57 Federal Register 19135, May 4, 1992; 57 Federal Register 19163, May 4, 1992; and 58 Federal Register 30181, May 26, 1993), all existing Bureau of Reclamation withdrawals made by Secretarial Orders and Public Land Orders affecting public lands and Indian lands located within the California Desert Conservation Area established pursuant to section 601 of the Federal Land Policy and Management Act of 1976 are hereby terminated.

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. Is there objection to the original request of the gentleman from Minnesota [Mr. VENTO] that the amendment be modified?

Mr. HANSEN. Mr. Chairman, reserving the right to object, I yield to the gentleman to ask about the technical corrections that he just mentioned.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, my request is based on the modifications discussed with the minority to the title VIII amendments dealing with the military withdrawal. They involve adding language related to geothermal activities and the correction of a cross reference.

If the gentleman would further yield, the procedure here that I followed is simply to deal with title VIII. All of the title VII amendments will be considered in due course. It simply was a matter of trying to deal with this in an orderly manner, rather than waiting to the end of the bill. I believe the military withdrawal language and the amendment to be offered by the gentleman from California [Mr. FARR] to my language is noncontroversial. I appreciate the cooperation of the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota [Mr. VENTO]?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. VENTO] is recognized for 5 minutes in support of his amendment, as modified.

Mr. VENTO. Mr. Chairman, this amendment would add an additional title to the bill, dealing with military lands and overflights in the California desert.

The amendment would effect or renew the withdrawal for military purposes of certain public lands in the California desert, and would clarify the relationship between the designation of Federal lands in that area for conservation purposes and the use of other lands and associated airspaces for important military training and testing.

The provisions of this amendment are similar to ones included in the version of the California Desert Protection Act passed by the House of Representatives in 1991. It would provide the Armed Services with secure tenure on more than 1.3 million acres of lands in the California desert areas that are in daily use for very important testing and training activities.

I regret that the Senate did not complete action on the California Desert Protection Act during the last Congress. However, earlier this year the Senate did pass S. 21, which includes provisions like those in this amendment.

As we did in 1991, the Natural Resources Committee omitted such provisions from the version of the bill we reported, because we share responsibility over these matters with the Committee on Armed Services.

In developing this amendment, I have worked with Chairman DELLUMS and Subcommittee Chairman MCCURDY, of the Armed Services Committee, and with the gentleman from Utah [Mr. HANSEN] and the gentleman from California [Mr. FARR] who both serve on the Armed Services Committee as well as on the Committee on Natural Resources. There have also been discussions with representatives of the Department of Defense and the various military services with an interest in the matters addressed by the amendment.

While there are elements of the amendment—particularly the duration of the land withdrawals for military use—that are not exactly as suggested by the services, I believe that the amendment provides the necessary security for continued military use of these withdrawal areas and the airspaces in the California desert area that are so important to maintenance of military readiness.

As I said when the House last considered this matter, it does not seem to me that there is an absolute need for Congress to legislate regarding military overflights. As a matter of law, designation of wilderness or national parks does not preclude continued military overflights of the lands involved.

However, because of the importance of the California desert's airspaces for military training, inclusion of such provisions is desirable in order to resolve questions that some have raised about how this bill might affect the ability of the Armed Forces to continue their overflights of the lands involved.

There will be a second-degree amendment, which is intended to be offered by the gentleman from California [Mr. FARR], that will refine somewhat the overflight language of my amendment. That second-degree amendment has been worked out through discussions between the natural resources Committee and the Committee on Armed Services.

For the information of the House, I am including in my statement information about the background and provisions of the amendment.

In conclusion, Mr. Chairman, I think that this amendment is appropriate as part of this bill's comprehensive blueprint for future management of Federal lands in the California desert, and I urge its adoption by the House.

BACKGROUND INFORMATION AND SUMMARY OF AMENDMENT

Before 1958, Federal lands in California (as in other States) were made available to the military departments for bases, training areas, and other purposes through administrative or executive actions, without the need for Congressional involvement. This was done through Public Land Orders, Executive Orders, or other measures that had the effect of withdrawing lands from operation of some or all of the otherwise applicable public lands laws (such as the Mining Law of 1872 or the Mineral Lands Leasing Act of 1920) and of limiting public access.

The extent of these military withdrawals and their long duration after the end of the Second World War and the Korean conflict led to the enactment in 1958 of the law popularly know as the "Engle Act" (P.L. 85-337). Named after the late U.S. Representative and Senator Clair Engle of California, this law provides that a peacetime withdrawal of 5,000 acres or more of public lands for military purposes can be accomplished only by Act of Congress. It also specifies that (except in certain Naval reserve areas) minerals in lands withdrawn for military purposes are under the jurisdiction of the Secretary of the Interior, but that disposition of such shall not occur in cases in which the Secretary of Defense determines that this would be inconsistent with military use of the lands.

This amendment, like Title VIII of H.R. 2929 of the 102nd Congress, would withdraw two extensive areas of land in Southern California that have long been used by the Navy, in a manner consistent with Engle Act. It would also similarly withdraw additional lands in Imperial County, referred to as the El Centro Ranges, for use by the Navy. At the time of consideration of the 1991 legislation, agreement had not been reached between the Navy and Interior Departments concerning the extent to which such a withdrawal would be appropriate; that agreement has now been reached, and the amendment reflects and incorporates that agreement.

AREAS WITHDRAWN

The lands that the amendment would withdraw for military uses are the China Lake Naval Weapons Center ("China Lake"), of approximately 1,100,000 acres in Inyo, Kern, and San Bernadino Counties; the Chocolate Mountain Aerial Gunnery Range ("Chocolate Mountain") in Imperial and Riverside Counties, of approximately 227,369 acres; and the El Centro Ranges in Imperial County, of approximately 46,600 acres.

CHINA LAKE

According to the Navy, China Lake is the principal Navy center for research, development, test, and evaluation of air warfare systems and missile weapon systems. The Navy has also been actively pursuing a program of developing the geothermal resources of the area for the production of electrical power. The amendment includes the same language as in the corresponding provisions of S. 21 to assure the continuation of geothermal development and utilization in the China Lake area.

CHOCOLATE MOUNTAINS

The Chocolate Mountains area is heavily used by the Marine Corps for training of pilots in air-to-air gunnery, air combat maneuvering, air-to-ground ordnance delivery, and related training activities, many involving use of live ordnance.

EL CENTRO RANGES

The California Desert Protection legislation passed by the House in 1991 addressed these lands, but did not make them subject to the military-withdrawal provisions. The public lands involved are on the west side of the Imperial Valley, and have been the subject of a series of withdrawals for reclamation purposes for many years. In 1987, the Interior Committee (now, the Committee on Natural Resources) was told that since 1954 portions of these lands had been used as target ranges by the Navy in connection with the El Centro Naval Air Station. This use was permitted by the Interior Department through a series of "memoranda of understanding," even after the enactment of the Engle Act in 1958 and the Federal Land Policy and Management Act of 1976.

The Committee was told that in 1982 the Navy concluded that although the two target ranges were used only for inert ordnance, additional controls on other uses were needed. The Committee was further informed that the Navy therefore proposed to seek a withdrawal of about 290,000 acres of public domain in the El Centro area—more than twice the public domain then being used under the existing arrangements. This evidently provoked controversy.

Subsequently, the Navy entered into a cooperative agreement with the Interior Department under which the Navy was to reduce its withdrawal request to 55,000 acres

immediately around certain target areas, and would seek a right-of-way grant for additional 97,000 acres to control potential conflicts between Navy activities in the area and other uses. The Committee was told that the Navy and the Department of the Interior were planning to submit a legislative request for the 55,000 acre withdrawal before the end of 1988, but to date no such request has been submitted.

In 1987, the Committee had serious doubts about the authority of the Secretary of the Interior under existing law to permit the Navy to continue its use of public lands in the El Centro area prior to Congressional action on a withdrawal proposal. Therefore, the Committee included in that year's bill for the withdrawal of China Lake and Chocolate Mountains provisions to explicitly authorize the Secretary of the Interior to permit the Navy to use the relevant public lands in the El Centro ranges until January 1, 1990, for the same purposes and to no greater extent than as of July 1, 1987. The intent of this was to assure that the Navy could continue to use these lands for a period of time that the Committee believed adequate for submission and consideration of a proposal for withdrawal of the affected public lands. In the same way, the corresponding provisions of H.R. 2929, as passed by the House in 1991, would have allowed this used to continue until January 1, 1994.

Since that time, the Interior Department has reached an agreement with the Navy for continued military use of about 46,600 acres of these lands, and has taken steps toward revocation of the reclamation withdrawal applicable to the remainder. Accordingly, and consistent with the requirements of the Engle Act, the amendment would statutorily withdraw 46,600 acres for continued military use by the Navy and would revoke the reclamation withdrawal applicable to these and other public lands.

This amendment, like a similar House-passed bill of 1987, is closely modelled on the omnibus Military Lands Withdrawal Act of 1986 (P.L. 99-606), which renewed the Engle Act withdrawals for areas in Nevada, Arizona, New Mexico, and Alaska. That omnibus measure was developed through negotiations between the House and Senate in the closing hours of the 99th Congress and included a number of compromises, such as agreement on 15 years as the standard period for duration of such withdrawals (as opposed to 10 years in House measures and 25 years requested by the Administration). The Natural Resources Committee has subsequently approved and the House has twice passed legislation (including H.R. 194 by Representative Hefley) for a 15-year military withdrawal of lands in Colorado associated with Fort Carson.

The amendment would withdraw the China Lake, Chocolate Mountains, and El Centro Ranges areas for all forms of appropriation under the public lands laws, and from entry, location, and patent under the mining laws. China Lake would be withdrawn from mineral leasing but not from geothermal leasing (to accommodate the ongoing program of developing geothermal resources there); Chocolate Mountains would be withdrawn from both mineral leasing and goethermal leasing. The El Centro Ranges would not be withdrawn from either mineral or geothermal leasing.

China Lake would be reserved for use by the Secretary of the Navy for a research, development, test, and evaluation laboratory; Chocolate Mountains would be reserved for use in testing and training for aerial bombing, missile firing, tactical maneuvering, and air support; El Centro would be reserved for military uses in accordance with an existing agreement between the Navy and Interior Departments. Each area could be used for additional defense-related purposes.

The Secretary of the Interior would retain responsibility for management of the lands involved, including the preparation of land-management plans, except that in the case of China Lake this could be assigned by the Secretary of the Interior to the Secretary of the Navy (as is currently done).

The military withdrawal of the three areas would expire 15 years after the date of enactment. No later than 12 years after enactment, the Secretary of the Navy would be required to publish a draft environmental impact statement concerning any desired continuation or renewal of either or both withdrawal. Consistent with the requirements of the Engle Act, any continuation or renewal of any of these withdrawals would be by Congress.

The amendment includes the same provisions related to decontamination of the withdrawn lands as established by the omnibus withdrawal Act for the areas covered by that Act. The Navy would thus be required to maintain an ongoing program of decontamination, to the extent that funds are made available, at least at the level of work done in fiscal 1986, with reports concerning this program to be submitted to Congress at the same time as the President's budget is transmitted.

The amendment also includes the same provisions regarding procedures for requesting continuation or renewal of the withdrawal for either or both areas as were included in the omnibus withdrawal Act of 1986 and in the 1987 House-passed bill to withdraw China Lake and the Chocolate Mountain area. Similarly, the amendment's provisions regarding immunization of the United States against damages; regulation of hunting, fishing, and trapping; and delegation of authority by the respective Secretaries are all modelled on those of P.L. 99-606.

Finally, the amendment includes provisions similar to those in Title VIII of H.R. 2929 as passed by the House in 1991 with respect to military overflights of the lands withdrawn by the amendment or the lands given wilderness, National Park, or other conservation status by the California Desert Protection Act.

AMENDMENT OFFERED BY MR. FARR OF CALIFORNIA TO THE AMENDMENT OFFERED BY MR. VENTO, AS MODIFIED

Mr. FARR of California. Mr. Chairman, I offer an amendment to the amendment, as modified.

The Clerk read as follows:

Amendment offered by Mr. FARR of California to the amendment offered by Mr. VENTO, as modified: On page 20 of the amendment, strike line 23 and all that follows through line 23 on page 21, and in lieu thereof insert the following:

SEC. 811. MILITARY OVERFLIGHTS.

(a) EFFECT OF ACT.—(1) Nothing in this Act shall be construed to—

(A) restrict or preclude continuation of low-level military overflights, including those on existing flight training routes; or

(B) affect the designation of new units of special airspace or the establishment of new flight training routes over the lands designated by this Act for inclusion within new or expanded units of the National Park System or National Wilderness Preservation System.

(2) Nothing in this Act shall be construed as requiring revision of existing policies or procedures applicable to the designation of units of special airspace or the establishment of flight training routes over any Federal lands affected by this Act.

(b) MONITORING.—The Secretary of the Interior and the Secretary of Defense shall monitor the effects of military overflights on the resources and values of the units of the National Park System and National Wilderness Preservation System designated or expanded by this Act, and shall attempt, consistent with national security needs, to resolve concerns related to such overflights and to avoid or minimize adverse impacts on resources and values and visitor safety associated with such overflight activities.

Mr. FARR of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FARR of California. Mr. Chairman, I rise in support of Mr. VENTO's amendment and urge my colleagues to vote for the amendment.

As it now stands, the California Desert Protection Act would permit grazing to continue indefinitely in the Mojave National Park.

Mr. VENTO's amendment will allow current grazing permit holders to continue grazing their livestock in the park until their grazing permit expires.

Let us remember that we talking here about protecting some of the least productive grazing lands in the United States where it can take up to 160 acres of land to feed 1 cow for 1 month. Annual rain totals less than 6 inches and summer temperatures regularly approach 120 degrees.

The environmental impact of domestic livestock grazing on public lands is a controversial issue. It is undisputable however that grazing in hot desert areas like the Mojave Desert exacts a high environmental cost and causes long term environmental damage. Studies have shown that grazing is incompatible with proper management in Mojave National Park.

The November 1991 GAO report on rangeland management focused on the BLM's Hot Desert Grazing Program supports this view.

The report further emphasizes that deserts have a particularly fragile ecosystem and once damage occurs they take a long time to recover.

Research has shown that grazing has a detrimental impact on certain hot desert wildlife species, plant species, and vitally important habitat for endemic species.

Numerous desert animal and plant species have evolved elaborate survival systems to endure their harsh living conditions. Removing competition for survival by removing cattle will eliminate a significant threat to this delicate ecosystem.

I strongly urge my colleagues to support the Vento amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I wanted to thank the gentleman from California [Mr. FARR], a member of both committees, as I said, for his work on this matter. The gentleman has been very helpful.

As the gentleman has indicated, this is an agreement between the principals involved, Chairman MILLER, Chairman DELLUMS, myself, and others, and this keeps the law in place and provides nothing in the act shall be construed to restrict or preclude low level military flights. We do enter an agreement here to provide for joint monitoring by the Department of Defense and the Department of Interior in terms of overflights over the parks and wilderness system.

It is a data-reporting requirement and consultation about visitors' safety and, of course, the necessity for training in these areas.

I want to make clear to my colleague from Utah and others that may be interested or aware of my interest in military overflights that this is not disruptive or does not include the provisions of restricting military overflights. It is an amendment that was shared with the minority. I would be happy to respond to further questions concerning it, but it is, as presented by the gentleman from California [Mr. FARR], a straightforward agreement between the two committees.

I thank the gentleman from California [Mr. FARR] for yielding to me and for his help and that of the gentleman from Utah [Mr. HANSEN].

AMENDMENT OFFERED BY MR. HANSEN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. VENTO, AS MODIFIED

Mr. HANSEN. Mr. Chairman, I offer an amendment as a substitute for the amendment, as modified.

The Clerk read as follows:

Amendment offered by Mr. HANSEN as a substitute for the amendment offered by Mr. VENTO, as modified:

In lieu of the matter proposed to be inserted, insert:

TITLE VIII—MILITARY LANDS AND OVERFLIGHTS

SEC. 801. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "California Military Lands Withdrawal and Overflights Act of 1994".

(b) FINDINGS.—The Congress finds that—

(1) military aircraft testing and training activities as well as demilitarization activities in California are an important part of the national defense system of the United States, and are essential in order to secure for the American people of this and future generations an enduring and viable national defense system;

(2) the National Parks and wilderness areas designated by this Act lie within a region critical to providing training, research, and development for the Armed Forces of the United States and its allies;

(3) there is a lack of alternative sites available for these military training, testing, and research activities;

(4) continued use of the lands and airspace in the California desert region is essential for military purposes; and

(5) continuation of these military activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.

SEC. 802. MILITARY OVERFLIGHTS.

(a) OVERFLIGHTS.—Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (Or any additions to existing units) designated by this Act, shall restrict or preclude low-level overflights of military aircraft over such units, including military overflights that can be seen or heard within such units.

(b) SPECIAL AIRSPACE.—Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units) designated by this Act, shall restrict or preclude the designation of new units of special airspace or the use or establishment of military flight training routes over such new park or wilderness units.

(c) NO EFFECT ON OTHER LAWS.—Nothing in this section shall be construed to modify, expand, or diminish any authority under other Federal law.

SEC. 803. WITHDRAWALS.

(a) CHINA LAKE.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) use as a research, development, test, and evaluation laboratory;

(B) use as a range for air warfare weapons and weapon systems;

(C) use as a high hazard training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support;

(D) geothermal leasing and development and related power production activities; and

(E) subject to the requirements of section 805(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands located within the boundaries of the China Lake Naval Weapons Center, comprising approximately one million one hundred thousand acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal—Proposed", dated January 1985.

(b) CHOCOLATE MOUNTAIN.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) testing and training for aerial bombing, missile firing, tactical maneuvering and air support; and

(B) subject to the provisions of section 805(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately two hundred twenty-six thousand seven hundred and eleven acres in Imperial County, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Proposed—Withdrawal" dated July 1993.

SEC. 804. MAPS AND LEGAL DESCRIPTIONS.

(a) PUBLICATION AND FILING REQUIREMENT.—As soon as practicable after the date of enactment of this title, the Secretary shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Natural Resources of the United States House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if they were included in this title except that the Secretary may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the appropriate offices of the Bureau of Land Management; the office of the commander of the Naval Weapons Center, China Lake, California; the office of the commanding officer, Marine Corps Air Station, Yuma, Arizona; and the Office of the Secretary of Defense, Washington, District of Columbia.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary for the cost of implementing this section.

SEC. 805. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—(1) Except as provided in subsection (g), during the period of the withdrawal the Secretary shall manage the lands withdrawn under section 803 of this title pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this title.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn under section 803 may be managed in a manner permitting—

(A) the continuation of grazing pursuant to applicable law and Executive orders were permitted on the date of enactment of this title;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation (but only on lands withdrawn by section 803(a) (relating to China Lake));

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities; and

(F) geothermal leasing and development and related power production activities on the lands withdrawn under section 803(a) (relating to China Lake).

(3)(A) All nonmilitary use of such lands, including the uses described in paragraph (2),

shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this title.

(B) The Secretary may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the Navy.

(b) CLOSURE TO PUBLIC.—(1) If the Secretary of the Navy determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this title, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the Navy determines are required to carry out this subsection.

(3) Before and during any closure under this subsection, the Secretary of the Navy shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) MANAGEMENT PLAN.—The Secretary (after consultation with the Secretary of the Navy) shall develop a plan for the management of each area withdrawn under section 803 of this title during the period of such withdrawal. Each plan shall—

(1) be consistent with applicable law;

(2) be subject to conditions and restrictions specified in subsection (a)(3);

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such area; and

(4) be developed not later than three years after the date of enactment of this title.

(d) BRUSH AND RANGE FIRES.—The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn under section 803 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary and the Secretary of the Navy shall (with respect to each land withdrawal under section 803 of this title) enter into a memorandum of understanding to implement the management plan developed under subsection (c). Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn under section 803 if requested by the Secretary of the Navy.

(2) The duration of any such memorandum shall be the same as the period of the withdrawal of the lands under section 803.

(f) ADDITIONAL MILITARY USES.—Lands withdrawn under section 803 of this title may be used for defense-related uses other than those specified in such section. The Secretary of Defense shall promptly notify the Secretary in the event that the lands withdrawn by this title will be used for defense-related purposes other than those specified in section 803. Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require the additional or more stringent condition or restrictions be imposed on otherwise-permitted nonmilitary uses of the withdrawn land or portions thereof.

(g) MANAGEMENT OF CHINA LAKE.—(1) The Secretary may assign the management responsibility for the lands withdrawn under section 803(a) to the Secretary of the Navy who shall manage such lands, and issue leases, easements, rights-of-way, and other authorizations, in accordance with this title and cooperative management arrangements between the Secretary and the Secretary of the Navy: *Provided*, That nothing in this subsection shall affect geothermal leases issued by the Secretary prior to the date of enactment of this title, or the responsibility of the Secretary to administer and manage such leases, consistent with the provisions of this section. In the case that the Secretary assigns such management responsibility to the Secretary of the Navy before the development of the management plan under subsection (c), the Secretary of the Navy (after consultation with the Secretary) shall develop such management plan.

(2) The secretary shall be responsible for the issuance of any lease, easement, right-of-way, and other authorization with respect to any activity which involves both the lands withdrawn under section 803(a) and any other lands. Any such authorization shall be issued only with the consent of the Secretary of the Navy and, to the extent that such activity involves lands withdrawn under section 803(a), shall be subject to such conditions as the Secretary of the Navy may prescribe.

(3) The Secretary of the Navy shall prepare and submit to the Secretary an annual report on the status of the natural and cultural resources and values of the lands withdrawn under section 803(a). The Secretary shall transmit such report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.

(4) The Secretary of the Navy shall be responsible for the management of wild horses and burros located on the lands withdrawn under section 803(a) and may utilize helicopters and motorized vehicles for such purposes. Such management shall be in accordance with laws applicable to such management on public lands and with an appropriate memorandum of understanding between the Secretary and the Secretary of the Navy.

(5) Neither this title nor any other provision of law shall be construed to prohibit the Secretary from issuing and administering any lease for the development and utilization of geothermal steam and associated geothermal resources on the lands withdrawn under section 803(a) pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other applicable law, but no such lease shall be issued without the concurrence of the Secretary of the Navy.

(6) This title shall not affect the geothermal exploration and development authority of the Secretary of the Navy under section 2689 of title 10, United States Code, except that the Secretary of the Navy shall obtain the concurrence of the Secretary before taking action under that section with respect to the lands withdrawn under section 803(a).

(7) Upon the expiration of the withdrawal or relinquishment of China Lake, Navy contracts for the development of geothermal resources at China Lake then in effect (as amended or renewed by the Navy after the date of enactment of this title) shall remain in effect: Provided, that the Secretary, with the consent of the Secretary of the Navy, may offer to substitute a standard geothermal lease for any such contract.

SEC. 806. DURATION OF WITHDRAWALS.

(a) DURATION.—The withdrawals and reservations established by this title shall terminate twenty-five years after the date of enactment of this title.

(b) DRAFT ENVIRONMENTAL IMPACT STATEMENT.—No later than twenty-two years after the date of enactment of this title, the Secretary of the Navy shall publish a draft environmental impact statement concerning continued or renewed withdrawal of any portion of the lands withdrawn by this title for which that Secretary intends to seek such continued or renewed withdrawal. Such draft environmental impact statement shall be consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to such a draft environmental impact statement. Prior to the termination date specified in subsection (a), the Secretary of the Navy shall hold a public hearing on any draft environmental impact statement published pursuant to this section. Such hearing shall be held in the State of California in order to receive public comments on the alternatives and other matters including in such draft environmental impact statement.

(c) EXTENSIONS OR RENEWALS.—The withdrawals established by this title may not be extended or renewed except by an Act or joint resolution of Congress.

SEC. 807. ONGOING DECONTAMINATION.

(a) PROGRAM.—Throughout the duration of the withdrawals made by this title, the Secretary of the Navy, to the extent funds are made available, shall maintain a program of decontamination of lands withdrawn by this title at least at the level of decontamination activities performed on such lands in fiscal year 1986.

(b) REPORTS.—At the same time as the President transmits to the Congress the President's proposed budget for the first fiscal year beginning after the date of enactment of this title and for each subsequent fiscal year, the Secretary of the Navy shall transmit to the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the United States Senate and to the Committees on appropriations, Armed Services, and Natural Resources of the United States House of Representatives a description of the decontamination efforts undertaken during the previous fiscal year on such lands and the decontamination activities proposed for such lands during the next fiscal year including—

(1) amounts appropriated and obligated or expended for decontamination of such lands;

(2) the methods used to decontaminate such lands;

(3) amount and types of contaminants removed from such lands;

(4) estimated types and amounts of residual contamination on such lands; and

(5) an estimate of the costs for full contamination of such lands and the estimate of the time to complete such decontamination.

SEC. 808. REQUIREMENTS FOR RENEWAL.

(a) NOTICE AND FILING.—(1) No later than three years prior to the termination of the withdrawal and reservation established by this title, the Secretary of the Navy shall advise the Secretary as to whether or not the

Secretary of the Navy will have a continuing military need for any of the lands withdrawn under section 803 after the termination date of such withdrawal and reservation.

(2) If the Secretary of the Navy concludes that there will be a continuing military need for any of such lands after the termination date, the Secretary of the Navy shall file an application for extension of the withdrawal and reservation of such needed lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals of lands for military uses.

(3) If, during the period of withdrawal and reservation, the Secretary of the Navy decides to relinquish all or any of the lands withdrawn and reserved by this title, the Secretary of the Navy shall file a notice of intention to relinquish with the Secretary.

(b) CONTAMINATION.—(1) Before transmitting a notice of intention to relinquish pursuant to subsection (a), the Secretary of Defense, acting through the Department of the Navy, shall prepare a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of such determination shall be transmitted with the notice of intention to relinquish.

(3) Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

(c) DECONTAMINATION.—If any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is contaminated, and the Secretary, in consultation with the Secretary of the Navy, determines that decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land) and that upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws, the Secretary of the Navy shall decontaminate the land to the extent that funds are appropriated for such purpose.

(d) ALTERNATIVES.—If the Secretary, after consultation with the Secretary of the Navy, concludes that decontamination of any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is not practicable or economically feasible, or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws, or if Congress does not appropriate a sufficient amount of funds for the decontamination of such land, the Secretary shall not be required to accept the land proposed for relinquishment.

(e) STATUS OF CONTAMINATED LANDS.—If, because of their contaminated state, the Secretary declines to accept jurisdiction over lands withdrawn by this title which have been proposed for relinquishment, or if at the expiration of the withdrawal made by this title the Secretary determines that some of the lands withdrawn by this title are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the Navy shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Navy shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the Navy shall report to the Secretary and to the Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(f) REVOCATION AUTHORITY.—Notwithstanding any other provision of law, the Secretary, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), is authorized to revoke the withdrawal and reservation established by this title as it applies to such lands. Should the decision be made to revoke the withdrawal and reservation, the Secretary shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary; and

(3) state the date upon which the lands will be opened to the operation of some or all of the public lands law, including the mining laws.

SEC. 809. DELEGABILITY.

(a) DEPARTMENT OF DEFENSE.—The functions of the Secretary of Defense or the Secretary of the Navy under this title may be delegated.

(b) DEPARTMENT OF THE INTERIOR.—The functions of the Secretary under this title may be delegated, except that an order described in section 808(f) may be approved and signed only by the Secretary, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 810. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn by this title shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

SEC. 811. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injury or damage to persons or property suffered in the course of any geothermal leasing or other authorized nonmilitary activity conducted on lands described in section 803 of this title.

SEC. 812. EL CENTRO RANGES.

The Secretary is authorized to permit the Secretary of the Navy to use until January 1, 1997, the approximately forty-four thousand eight hundred and seventy acres of public lands in Imperial County, California, known as the East Mesa and West Mesa ranges, in accordance with the Memorandum of Understanding dated June 29, 1987, between the Bureau of Land Management, the Bureau of Reclamation, and the Department of the Navy. All military uses of such lands shall cease on January 1, 1997, unless authorized by a subsequent Act of Congress.

Mr. HANSEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. HANSEN. Mr. Chairman, one of the problems we have in America today, I am saying this as a member of the Committee on Armed Services as well as a member of the Committee on Natural Resources, is training. Little by little we have been taking away from the areas that we can train in America. In fact, most of our places that we can train we do not have unlimited air space, except for the Utah Test and Training Range, which is zero to 58,000 feet. It is the only place we can test.

As this is being given to us and restricted more and more, the military finds themselves in a very precarious situation. They are not in a position that they can go wherever they want to go and train, and they should not go wherever they want to go. But they should have the ability to train our pilots.

The whole thing of the cold war was training. Many of our people in the military started out their careers as Second Lieutenant and ended at whatever, and all they did was train the entire time. But they were trained, and they were perfected and ready to go at the drop of a hat and help us out.

Now we find ourselves more and more, wilderness areas come along, more and more parks come along, remember the time over the Grand Canyon when we decided we could not fly up and down the Grand Canyon?

At the time I remember the chairman, Chairman Udall, confessed to flying a Cessna down the middle of the Grand Canyon. I confessed to flying a Piper Supercub down the Grand Canyon. We cannot do those things anymore.

Now we find ourselves in a position, as we become more restrictive, that we cannot train in that area.

The area that we are talking about is the A–10. They call it the Warthog affectionately. That is an airplane that they train in that particular area. Go back to the Persian Gulf war. That was the plane that was so effective on air-to-ground. That was the plane that stopped those tanks from Saddam Hussein. Those people did a super job with it at that point.

Now, as we go through restrictive language, as we start tightening that up, more and more we are taking away the ability for our pilots and others to learn to fly these aircraft. They are not going to learn to do it in a training simulator. They have to have their hands on the controls. They have to be able to do it.

All we are asking here is to accept the same language that the Senate has passed. That is all we are asking. The Senate has already passed this particular language.

What this does, it opens it up a wee bit more on military overflights to wilderness and parks across the country and not just restricted to the desert, the California desert bill.

I think this a good amendment, a very innocuous amendment, kind of a housekeeping measure. I personally feel it would be a better piece of legislation than what we have before us.

Mr. VENTO. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

This amendment really is out of order, according to our rules. The gentleman did not share the fact that he was going to offer the amendment or I would have tried to dissuade him from doing so. I think his last statement points up the problem with the Senate insistence on dealing with something that really does not relate to this act.

We are trying to accommodate the concerns and, as a consequence, end up with the dilemma that we now have on the floor in terms of a full-fledged debate on military overflights which really should be considered with the Committee on Armed Services and the Natural Resources Committee process.

The fact is that this amendment applies to all sorts of other laws unrelated to the subject before the House. The amendment that I have proposed in terms of title VIII, in agreement with the Committee on Armed Services, actually provides for a longer period of withdrawal for 15 years, not until just 1997, as does the amendment of the gentleman from Utah.

Third, the gentleman from Utah is not even really dealing with the El Centro withdrawal. The gentleman from Utah is not dealing with the 46,000 acre request of the Department of Defense that withdraws the El Centro area from consideration, which is a major concern of the Department of Defense with regards to the California desert.

We are trying to deal with the Miller-Dellums-Vento title VIII. We do not, in fact, as I said to the gentleman in my previous remarks before I was aware that he was going to offer this, we do not deal with or try to change the necessary air space concerns. There are problems out there with military aircraft overflights. That is why I have submitted legislation on the subject and why the gentleman from Oklahoma [Mr. MCCURDY] and myself and members of the respective committees have had hearings on this specific issue.

This does not change the basic tenor. What is being proposed here by the Senate and by the gentleman from Utah is to in fact decide that issue in favor of, and on this bill, in favor of the military with no limitations whatsoever. The Vento amendment doesn't change the basic configuration of what the agreements had been in terms of air space reservation.

The Hansen substitute tries to decide it all in 1 day. This is a one-sided amendment. There has been no consultation. There has been no agreement on this amendment. I would hope that the gentleman would not pursue this amendment.

I can assure him that the issue, as he knows, he was in attendance at the hearing, is being addressed. We are aware of this problem, and I would hope that we would not pursue this particular amendment, because I think it is just one area of disagreement more in the House that we do not need.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, if I may, I thank the gentleman for yielding to me. On page 4, the El Centro ranges, we would be more than happy to accept that by unanimous consent.

Mr. VENTO. Mr. Chairman, I am not going to agree to that based on the tenor of today's debate and the way that this was brought up. I think that we have striven to keep this military withdrawal a non-issue in the House in the sense that it has been agreed to by the committees. This amendment, as the gentleman should know, the Lewis amendment initially submitted is out of order. It simply is not valid in terms of consideration under the rules of the House, but for the fact that it was offered in the way that it was offered, it would have been objected to.

So at this particular point, I think if there is no other alternative, the gentleman is going to pursue it, I think this amendment richly deserves to be defeated. I would urge the Members of the House to defeat this amendment.

This has nothing to do with the topic we are trying to accommodate and deal with the problems of the Department of Defense. This has nothing to do with the Desert bill in a sense other than the fact that the Senate is attempting to bootstrap this onto the legislation, and the gentleman from Utah has picked up on that theme.

We have tried to work this out. The Committee on Armed Services agrees with the language that we submitted, and the Committee on Natural Resources agrees with it.

The Hansen amendment should be defeated. I would urge Members to do so.

□ 1240

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the amendment offered as a substitute by the gentleman from Utah [Mr. HANSEN]. I would like to ask the gentleman a couple of questions, if I might, Mr. Chairman.

It is my understanding, Mr. Chairman, I would say to the gentleman from Utah [Mr. HANSEN], that his substitute is a reflection of that which was finally agreed to in the other body and in the committee hearings relative to military overflight.

Mr. HANSEN. Will the gentleman yield, Mr. Chairman?

Mr. LEWIS of California. I am happy to yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I would tell the gentleman that that is exactly right. This has been kind of a tacky issue on both the Senate side and on this side on what would be military overflight. I am not in any way discounting the good work of the chairman, the gentleman from Minnesota [Mr. VENTO], but I think this is one that opens it up, that makes it easier, and would not be as restrictive as the language we were working with on the House side.

Mr. Chairman, I personally feel this is the kind of language that would be beneficial to our military people, and I think it would take care of many of the problems we have been encountering. I may add to what the gentleman from California [Mr. LEWIS] has brought up, little by little we see more restrictions coming in there. We do not know if we are going to have any place left for our people to have the idea of testing.

Also, Mr. Chairman, many of these testing ranges, when we talk to the Pentagon, are being considered for being closed, so we are going to get to the point that I do not know where we are going to test. I imagine Siberia, if we could work something out with those folks, is about the last place we could test that someone is not going to be upset with us or worried about ruining their wilderness trip or hearing an airplane or having an experience where they are completely silent.

I think people have to accept the fact that this has to be done and it is part and parcel of what we do in the military, and an extremely important part.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman. My concern about the Vento proposal versus this substitute is that every indication we received as this bill went through the complete process in the House was that the committee was avoiding military language while in committee, because they essentially wanted to avoid re-referral to the appropriate policy committee that really should be dealing with this issue.

Mr. Chairman, it is a pretty fundamental question relative to those training grounds that the gentleman from Utah [Mr. HANSEN] is talking about. Military overflight is very, very significant and potentially impacts very greatly the ability we have to effectively train our troops, particularly the pilots who fly our airplanes. There is little doubt that the Senate dealt with this matter after considerable struggle, debate, and compromise. Senator NUNN, among others, apparently served as the driver behind the language that is part of this substitute.

The point is, Mr. Chairman, that we want to make certain that military overflight does not interfere across the country with training processes that are so vital to our national interest. If indeed the gentleman from Minnesota [Mr. VENTO] had chosen to present this amendment or this proposal in the committee, or in his subcommittee, that would be another circumstance. It was clear that they wanted to avoid the Armed Services committee which really understands this issue. What my colleague, Mr. HANSEN, is attempting

to do here is essentially take the language of that compromise that took place in the other body, use it as a substitute here, and then negotiate the process out as the bill goes to conference.

Mr. Chairman, indeed, I urge the House to support the substitute offered by my colleague, the gentleman from Utah [Mr. HANSEN].

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I want to explain to the gentleman that the concern was not to avoid it. We worked with the Committee on Armed Services. This is not the Vento amendment, it is the Miller-Dellums amendment we are dealing with, and it does include the El Centro. In fact, we have made several changes that are a compromise. For instance, removing to the wilderness area from Death Valley the 17,000 acres was another compromise. There have been a number of compromises made.

Mr. Chairman, the fact is that the language from the Senate has not been heard in any committee. Nobody knows what it is. It has not been considered by any of the committee members. It is simply a matter that has not been exposed to the light of the day. It does not accomplish what needs to be done in terms of El Centro and some of the other issues in the desert that are at the insistence of the Members. The delegation wanted this included in the withdrawal. It does not withdraw wrongly, it just does not do the job, so it is basically throwing out what has been.

If we go to conference with the same language, there will be no negotiations.

Mr. LEWIS of California. Mr. Chairman, if I could reclaim my time, if the gentleman would agree with me that this is a complicated issue and we ought to send this bill with this matter to the Committee on Armed Services of the House, all right.

Mr. VENTO. Mr. Chairman, if the gentleman will continue to yield, if we act on this, it will be all done. The Senate language will be the same. There will be no consideration or modification of this. That is why I am urging the rejection of the Hansen amendment.

Mr. LEWIS of California. Frankly, Mr. Chairman, I am very disconcerted by the fact that the committee has done all that it can by their past actions to avoid input from, as we have discussed many times, those Members who are elected to represent the desert by way of consultation. It is very clear that there was some attempt to avoid the Committee on Armed Services in the House as well, a re-referral.

In this case, Mr. Chairman, I would certainly tend to put my faith in the work that was done by the likes of Senator NUNN on the Senate side. I would urge my colleagues to support the proposal of the gentleman from Utah [Mr. HANSEN].

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. FARR] to the amendment offered by the gentleman from Minnesota [Mr. VENTO], as modified.

The amendment to the amendment, as modified, was agreed to.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, once again, unfortunately, our colleague, the gentleman from California [Mr. LEWIS], has provided some kind of capital based on his theory and his construction of how this bill was considered, which was a very open process. Any and all amendments could have been offered in committee. Some were and some were not. The fact is that at the time we were considering this legislation, the Committee on Armed Services was considering their authorization bill and getting ready to bring that to the floor, and we told them in advance that this is, in fact, what we were going to do. We sat down in advance of the bill leaving our committee. After it left our committee with the people of the gentleman from California [Mr. DELLUMS], with the people of the gentleman from Utah [Mr. HANSEN], with the people of the gentleman from Oklahoma [Mr. MCCURDY] on the Committee on Armed Services, they reviewed these provisions. That is why the chairman, the gentleman from California [Mr. DELLUMS] has signed off on this legislation contingent upon the Farr amendment being adopted, which has now been adopted, and clearly the Vento amendment more clearly reflects the needs of the withdrawal proposals within the California Desert Act.

Mr. Chairman, I would hope we would go along with what the Committee on Armed Services of this House has considered, both the gentleman from Oklahoma [Mr. MCCURDY] and the chairman, the gentleman from California [Mr. DELLUMS], with what we have considered and addressed this. It is very interesting that the criticism is that we did not consider it with the Committee on Armed Services, when in fact we did, and yet the gentleman supports legislation from the Senate that never went to committee, that they never had a hearing on.

We can understand that the gentleman from California [Mr. LEWIS] wants to act like he fell off the back of the vegetable truck and found himself in Congress this morning. He is a very clever member of the Committee on Appropriations, very skilled, but in fact his arguments ought to be rejected. We ought to get on with the one amendment that has been addressed by both the Committee on Armed Services, signed off by the chairman, our committee, and addresses the problems of the California Desert Protection Act as it affects military overflights and maneuvers. I would hope we would consider the Vento amendment as now amended by the Farr amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. HANSEN] as a substitute for the amendment offered by the gentleman from Minnesota [Mr. VENTO], as modified, as amended.

The amendment offered as a substitute for the amendment, as modified, as amended, was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO], as modified, as amended.

The amendment, as modified, as amended, was agreed to.

The CHAIRMAN. Are there further amendments to title VII?

AMENDMENT OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DUNCAN: Strike Section 702 in its entirety and insert the following:

"Sec. 702.

"Authorization of Appropriations. There are hereby authorized to be appropriated to carry out the purposes of the Act an amount not to exceed $36 million for all additional construction and operational costs over the next 5 years and $300 million for all land acquisition costs. No funds in excess of these amounts may be used for any purpose authorized under this Act without additional, specific authorization of an Act of Congress. Provided further, that operational funding and staffing to support new National Park Service responsibilities established pursuant to this Act may not be reallocated from any National Park Service area outside the State of California."

Mr. DUNCAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MODIFICATION TO AMENDMENT OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Chairman, I ask unanimous consent that the amendment be modified.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mr. DUNCAN: Strike the amendment in its entirety and insert the following:

APPROPRIATIONS

SEC. 702. There are hereby authorized to be appropriated to the National Park Service and Bureau of Land Management to carry out the purposes of this Act an amount not to exceed $36,000,000 for additional administrative and construction costs over the fiscal

year 1995–1999 period and $300,000,000 for all land acquisition costs. No funds in excess of these amounts may be used for construction, administration, or land acquisition authorized under this Act without a specific authorization in an Act of Congress enacted after the date of enactment of this Act.

Mr. DUNCAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN. The amendment is modified.

The gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes in support of his amendment, as modified.

Mr. DUNCAN. Mr. Chairman, the amendment I offer today is one which I feel can and should be supported by anyone who is in the least concerned about either our tremendous national debt and the impact of this legislation on our taxpayers, or this country's great National Park System.

Mr. Chairman, my amendment simply replaces the open-ended "such sums as may be necessary" language currently in the bill with the Congressional Budget Office estimate of $336 million.

Mr. Chairman, the National Park Service already faces a 37-year backlog in funds for development of existing parks and a 25-year backlog in funding for land acquisition at existing parks.

H.R. 518, as reported by the Natural Resources Committee, ignores both of these considerations.

Instead, it authorizes unlimited expenditures, funds which will come from the already underfunded National Park Service.

□ 1250

In the State of California alone, the National Park Service reports a shortfall of $936.4 million for construction and land acquisition and $31.8 million for annual operations at its existing 20 National Park Service areas in that State.

I would like to quote from Senator BYRD's floor statement when he spoke in opposition to this bill in the other body:

> We cannot adequately maintain the parks that we now have, nor buy the lands which the authorizing committees have told us to buy. Having three new beautiful national parks would be nice. In an age when the United States enjoyed small deficits, creating new parks would be desirable, but we, in this Chamber, have to come to grips with the realities of the age in which we live. One does not go out and buy a Cadillac when one cannot make payments on the family Ford.

To address this concern, my amendment limits the amount that can be spent to implement this bill based on the amount projected by the Congressional Budget Office.

According to the Congressional Budget Office, this measure will cost between $100 and $300 million for land acquisition and $36 million in additional costs over the next 5 years for construction and administration.

I have a letter from Secretary Babbitt, which I will insert into the RECORD, in which he asserts that based on the experience of his Department in implementing similar legislation, the cost of H.R. 518 will be less than the amount estimated by CBO.

Certainly, this amendment does not totally solve the problems in this bill of unfunded mandates for our National Park System, but it does institute some degree of accountability.

It puts in place a very liberal and feasible ceiling on the total cost of this effort, which can be enforced and monitored during the annual appropriation process.

The fact is that funds for operating our existing park areas are not likely to see increases in the near future.

Further, Secretary Babbitt recently ordered the National Park Service to cut 1,325 positions, about 7 percent of their work force.

Last month, in testimony before the Senate, National Park Service Director Roger Kennedy stated that it was his intent to take personnel from other existing National Park Service areas in order to staff the 350 vacant positions at the proposed new Presidio National Park in San Francisco.

Mr. Chairman, many National Park Service areas across this country cannot afford to take any more cuts in funding or personnel. I know this is true of the Great Smoky Mountain National Park, part which is in my district.

Ninety percent of the lands addressed in this bill are already owned by the Federal Government, and there are already nearly 4 million acres of Mojave and Sonoron Desert lands in the National Park System today.

The only thing this bill really provides is a more expensive way to manage these 8 million acres, which will result in less economic opportunity and fewer jobs for Californians.

I believe it is not in the national interest to take money from other National Park Service areas to implement this legislation.

Let me make clear, so that my colleagues understand, my amendment simply replaces the open-ended "such sums as may be necessary" language in this bill with the Congressional Budget Office estimate of $336 million, which is greater than the amount Secretary Babbitt says we need to implement this bill.

This is a very reasonable and sound amendment. The fact is that we cannot continue to pass bills around here that provide such sums as may be necessary. We simply cannot afford to operate like this anymore.

We always get low ball estimates on the front end of almost every project. My amendment leaves a huge amount of funding for this legislation, but it still sets at least some type of cap and gives us a little more certainty on the total cost. The American people do not want us passing bills when we have no idea or at least no limitation on what the actual cost will be.

I urge support for my amendment.

Mr. MILLER of California. Mr. Chairman, I move to strike the lasts word.

Mr. Chairman. if I might ask the author of the amendment a question, it is my understanding that the intent of the amendment is to place a cap of $36 million over and above fiscal year 1994. Is that correct?

Mr. DUNCAN. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Tennessee.

Mr. DUNCAN. That is correct.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that that be inserted into the amendment and then we would be clear on that.

Mr. DUNCAN. Mr. Chairman, I have no objection to that.

The CHAIRMAN. The gentleman from California [Mr. MILLER] would have to present a modification to the desk.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent to modify the agreement to reflect that it is over and above the cost of fiscal year 1994.

The CHAIRMAN. The Chair would like to have that in writing from the gentleman from California [Mr. MILLER].

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. VENTO. I would just on the general topic while we are getting that prepared so that it will be in writing, I think it is important, Mr. Chairman, there are a couple of elements here that I think should be considered. Obviously here we are dealing with a piece of the California desert, the park areas, and treating them separately from the BLM wilderness managed areas and the other lands that will be managed in a general manner. Clearly because of the expansion of Death Valley and Joshua Tree, we have BLM lands that are being transferred to the Park Service including the east Mojave area. That will free up dollars or should free up some dollars from BLM which is now managing those lands and they will have to be, of course, dedicated or partially dedicated to the Park Service management of the lands that they will be absorbing in this particular instance.

Mr. Chairman, I think it is important to recognize that Death Valley and Joshua Tree monuments now being expanded and made parks by this bill already have base budgets which I think the gentleman from California [Mr.

MILLER] has rightly stated that the 1994 appropriation or authorization ought to be built upon.

I agree, frankly, with the concern of the gentleman from Tennessee [Mr. DUNCAN] about stating specifically insofar as we have information as to what the development ceiling, what the land ceilings ought to be. If there are difficulties with that, if there are special expenditures that are being made that are unusual, they can come back before the committee to explain them. I would like to state as the gentleman from California continues to yield to me that there has been a lot of discussion about the backlog in terms of park dollars. We are getting some specific information. I might say that I have repeatedly tried to qualify or tried to find specific information from the current Secretary of Interior and from the Park Director about these backlogs cost statement. In fact, the first backlog discussions occurred because of GAO studies initiated by Congress and instigated by Congress and questions as to what the backlog problems were. They are, in fact, not even half as much as some of the explanations and some of the material that has been passed around and suggested. I will not go through it, but it is substantially less and a substantial amount of it is in roads, in highway construction dollars, some in park construction dollars, some in unprioritized construction, and amazingly over a $1 billion backlog in land purchases.

Of course we have repeatedly, during the 1980's, talked about the shortfalls in the land water conservation fund and the fact that it was not carrying out the intended task and policy; the result has been, of course, the land costs within the parks have dramatically increased during that period of time. As many of the Members and committees had predicted.

I thank the gentleman from California for yielding and for my opportunity to point these differences out.

I think he now has his amendment ready.

Mr. MILLER of California. I thank the gentleman for his comments.

MODIFICATION OFFERED BY MR. MILLER OF CALIFORNIA TO THE AMENDMENT OFFERED BY MR. DUNCAN, AS MODIFIED

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that the amendment be modified so that there be inserted after "36,000,000" the phrase, "over and above that provided in fiscal year 1994."

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. MILLER of California to the amendment offered by Mr. DUNCAN, as modified: After "$36,000,000" insert "over and above that provided in fiscal year 1994".

The CHAIRMAN. Is there objection to the request of the gentleman from California [Mr. MILLER] that the amendment be modified?

There was no objection.

The text of the amendment, as modified, is as follows:

Strike the amendment in its entirety and insert the following:

APPROPRIATIONS

SEC. 702. There are hereby authorized to be appropriated to the National Park Service and Bureau of Land Management to carry out the purposes of this Act an amount not to exceed $36,000,000 over and above that provided in fiscal year 1994 for additional administrative and construction costs over the fiscal year 1995–1999 period and $300,000,000 for all land acquisition costs. No funds in excess of these amounts may be used for construction, administration, or land acquisition authorized under this Act without a specific authorization in an Act of Congress enacted after the date of enactment of this Act.

Mr. HANSEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Duncan amendment as modified by the gentleman from California.

Mr. Chairman, I feel we have before us an excellent amendment which is something long overdue in this House. The gentleman from Tennessee [Mr. DUNCAN] has brought up a very realistic point talking about what can and cannot be done with the money that we appropriate for various things.

I think if people look at this California wilderness bill and the three parks that are inherent in it, have to realize that from time to time we miss the amounts of money that go on around here. They used to say in the construction business, "Whenever you build a house, one thing you should remember and you will not be frustrated, one, it is going to take longer and, two, it will cost more."

Mr. Chairman, that seems to be a standard around here, also. To give an example of that as the gentleman from Tennessee [Mr. DUNCAN] pointed out, we always get the low ball estimate and it does not turn out that way. Medicare passed in the House and Senate years ago and this body and the other body missed it the first year by 300 percent.

□ 1300

Now, you take 300 percent in the insurance business, if they miss a line by 6 percent, they go broke. So it seems to me it would be an interesting study for someone at some time to figure out all the things we say it is going to cost and then what it really costs, and we will find we give a lowball estimate on this almost every time.

There was an interesting discussion between the chairman, the gentleman from Minnesota [Mr. VENTO], and others about what the costs of parks are. As we get into some of these particular areas, we find there is a difference of opinion, if I may say to my friend, the gentleman from Minnesota, as to what it costs on the land and water money, what it costs for infrastructure of parks, and I personally feel that the gentleman from Tennessee [Mr. DUNCAN] has come up with an excellent amendment, one we should probably consider in many pieces of legislation around here, and we would probably be in better shape as far as worrying about the estimated costs that are going to come forward.

So with this very reasonable amendment, I would like to offer my support and urge the Members of this body to support it as it comes up for a vote.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I want to emphasize we do support this. The gentleman has been productive in terms of producing specific language. We like to have specifics. We want accurate information as far as the costs are concerned.

I might say that it is to no one's advantage to either overstate or understate what the costs are. There is a significant backlog in land and construction projects and highway and road projects within the parks. We should recognize that as we are dealing with the issue.

I wanted to assure the gentleman that that is my interest, as it is his.

Mr. HANSEN. I appreciate the assurance of the gentleman from Minnesota. I think, if you do any traveling this year and stop in a park, talk to the superintendent about the backlog he has got in infrastructure. You have got a whole day of listening to him. They all seem to be in that position.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and Members, I think the amendment by my colleague, the gentleman from Tennessee [Mr. DUNCAN], is a very important amendment, for the language of the bill otherwise would allow for the expenditure of such sums as may be necessary for the entire process to consume.

It is very apparent by the history of some of these efforts that we need to be rather specific in making certain that there is some dollar limitation on legislation which is passed on the floor of the House after this committee has worked its will. As an Appropriations Committee member, I make that point in a very special way.

In the Senate when this item was considered, the chairman of the Senate Appropriations Committee, Senator ROBERT BYRD, suggested that we have severe difficulty with the cost of these programs and indicated that someone does not go out and buy a Cadillac when one cannot make the payments on the family Ford. What he was really referring to essentially is this, we can't pay for the operation, maintenance,

and land acquisition of our current park system.

Let me share with the House one example of this: On August 10, 1988, the House debated the Manassas National Battlefield Park amendments. The Congressional Budget Office estimated this acquisition would cost roughly $13 million. Many of my colleagues suggested the Manassas bill could cost as much as $100 million.

My colleague, the gentleman from Minnesota [Mr. VENTO], a member of the Natural Resources Committee, said, and I quote, "The fact is that there have been a lot of scare tactics used on this floor throughout the debate. The scare tactic is that somehow this bill is going to cost $100 million. The developer paid less than $10 million for it less than 2 years ago." Mr. VENTO said, "The Congressional Budget Office reports the assessed value at $13.6 million."

Well, my friends, the Manassas legislation has cost the taxpayers well over $150 million, and the acquisition is not complete yet.

Obviously this was not a scare tactic, but it is, to say the least, frightening. The CBO estimate for just land acquisition for H.R. 518 is between $100 to $300 million. Based on the Manassas battlefield estimate, the actual cost of land acquisition, I would not really suggest this would ever happen, but just think about it. It could be between $1 and $3 billion.

During this time of increased fiscal awareness, is the House really prepared to pass legislation with a price tag this high? My constituents want Congress to cut spending first, not continue to increase the deficit.

In California, there are already 20 units of the National Park System with 22,000-plus acres of authorized but unacquired lands. Estimates vary, but land acquisition costs from the Santa Monica Mountains National Scenic Area alone have been estimated at $500 million to $1 billion and are climbing every day.

To put this in perspective, Congress appropriates between $80 and $100 million a year for land acquisition throughout the entire National Park System. But the value of the backlog of unacquired lands is really in the billions.

Why should we obligate a large expenditure of funds that should, instead, go to existing units of the National Park System? Should we not preserve what we have already designated before we create new mandates?

It is no wonder the American people are faced with a burgeoning Federal deficit.

This next chart, my colleagues and Members, kind of outlines in California the budget shortfalls at selected locations in our State. At Yosemite, no minor park of some interest, annual operating shortfall of $9.4 million; construction and land acquisition shortfall of $394 million. But let us say we are not worried about all the rest of these, but let us go down to the Channel Islands National Park, one of our last actions. There is a $3.3 million shortfall in operating costs, annual operating costs; $62 million in construction and land acquisition.

To say the least, we have promised an awful lot more than we are able to fully fund by the work of this fine committee that has this bill on the floor today.

Unlike many of our national parks, the California desert is not threatened from overdevelopment. It is more appropriately and cost-effectively managed by the Bureau of Land Management.

Desert legislation must balance desert protection with economic preservation. The bill before us today, H.R. 518, fails this criteria test.

However, legislation introduced by my desert colleagues and I does pass this test. The only problem is in the past we have not been able to get that legislation set for hearing in the committee.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 1 additional minute.)

Mr. LEWIS of California. Mr. Chairman, the reality is that across the country in park after park and wilderness after wilderness we find ourselves in the circumstances where our committee puts up a big wish list, considering what they would like to do in terms of expanding Federal ownership of public lands, never considering how you pay for it. The reality is that we are faced with a $4 trillion deficit, and every extra dime that this committee recommends that we spend, no matter how we should pay for it, just adds to that deficit.

The desert of California is doing mighty well by itself without my colleagues from this committee, I must suggest, but in the meantime as we go forward with this bill, the least we ought to do is to put some lid on what the costs will be.

They are suggesting whatever we might consume. Well, friends, what we might consume is all that we have for the rest of the year to spend. This is a bill that requires careful consideration, not just in terms of public policy but in the costs to the American taxpayer. I strongly support the Duncan amendment.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the amendment and at odds with the statements of my colleague, the gentleman from California [Mr. LEWIS], the commitments made and the sequency of events and status of the National Park Service financial needs.

I note that in holding up a chart talking about whatever the construction backlog is, it is not any discussion, and/or land, whether or not any of that is authorized at all for Yosemite or for the construction of any of the buildings. Some may not have the ceilings on that he is seeking for these new parks today.

I think those ceilings ought to be put in place. But historically they have not always been. So what you are really looking at is a wish list of a park superintendents or a general management plan that guides these parks goals.

Second of all, in terms of establishing the units, the Congress some time ago, almost over 25 years ago, set up what is called the Land Water Conservation Fund that sets aside nearly $1 billion each year for States and for the Federal Government land management agencies to expend money on the purchase of lands; the intention is, as we expend resources or expend and develop the oil on the outer continental shelves of this Nation, the idea was to take, as we exploit or use a resource, to preserve a resource. The idea was to preserve and to buy historic sites, great natural resources in our States and across this Nation to provide that in perpetuity for the American people to conserve those areas.

The fact of the matter is that Congress and the administrations over the past decades have failed to provide or to allocate the dollars from that Land Water Conservation Fund to the point today where there is nearly $10 billion in Land Water Conservation Funds that are available until expended that are supposed to be going for the parks, for the national forests, for the BLM, and for the State conservation lands. So we are not keeping that pledge.

We made that pledge in law and it is not being kept. We are taking and using that money, those dollars, for other purposes. If that were available, it would certainly eclipse any type of commitments that have been made with regards to the parks, and, yes, even for Manassas or for Bull Run, as we in Minnesota refer to it.

The fact of the matter is, Mr. Chairman, I cannot make up for the lack of credentials and ability and motivation of the Justice Department in terms of advocating or representing the Congress and the American people in the courts to enforce the laws that are enacted.

□ 1310

The court made a decision on the value of Manassas land added to the park. I think the information I quoted in that debate was accurate with regard to what was paid, what the assessed valuation is, but the court decided to award and to enrich an individual who had made some investment. We were wronged. But I think that part

of the error has to deal with the way the case was presented. The fact of the matter is we know in case after case during the decade of the 1980's we found the Justice Department lawyers showing up 2 days before a case was to be presented to a court, in order to prepare their case. I suggest that is not good diligence. They did not do their homework.

The result is they penalized the United States taxpayers and the Congress in terms of cost and the policy that was to be developed. I think we would look to the difference or the changes in the Justice Department with regard to these problems of representation. Mr. Chairman, the Congress has acted prudently with regard to the expansion of the Park System. It has been modest. Much of the cost is embedded in the existing units. The American public want these parks, the American public needs these parks, and they want to have them as a lasting legacy.

The parks in California that we intend to act on in these remaining weeks during the summer will be a legacy that many of us can look back on and be very proud that we expanded and developed and designated places like the Mojave Desert, places like Death Valley, like the Joshua Tree Parks. These are public lands, and the public and the youth of today and the citizens today and tomorrow have a right to have such a legacy. We should not diminish that or destroy it in the name of trying to make the case with regard to a different philosophy or a different policy with regard to these lands.

Mr. MCCANDLESS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I listened with a great deal of interest to my colleagues relative to the budgetary process. The fact that they were talking about the substitution of Bureau of Land Management budget authority and its appropriation to offset additional costs involved in this project. I would call, again, to the attention of the subcommittee chairman and the full committee chairman that the entire area in question has a total of 42 Bureau of Land Management rangers. Now, we have talked about the size. It is my understanding that the size of this is twice, to repeat, twice the size of Rhode Island. So we are saying, well, OK, we are going to have 42 highway patrolmen for the entire State, 2 States of Rhode Island, to manage what it is we have here in the way of additional wilderness, special designations, closing of existing wilderness, special designations, closing of existing roads, pathways, whatever the designation may be. I have a lot of concern here about the fact that we are talking about the substitution of an already—how should we say it—diminished ability on the part of the existing Federal agency to manage what it has now.

Certainly the amount of money involved would not be anywhere near—would not take care of—what is going to be required in the way of additional management, given the fact that this legislation would add additional parks to the authority of the National Park Service.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. MCCANDLESS. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, just briefly, I want to thank the gentleman for his observation. I know he intended to imply that the transfer would be equal, that there would not be additional costs here and thinks that there are. I would suggest that when the committee's hearings and debates had begun on this, as I recall, there were 25 BLM personnel in the desert. So we have made some progress. All of us can agree it ought to be enhanced, the presence of BLM, not only in California but elsewhere, so that they can do a better job and meet the expectations. I thank the gentleman.

Mr. MCCANDLESS. I appreciate the gentleman's comments. It was through the Committee on Appropriations, particularly the interest of Congressman LEWIS, that we were able to increase the number from 22 to 44, which is just a drop in the bucket as to what is necessary to properly manage this activity.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. MCCANDLESS. I yield to the gentleman from California.

Mr. LEWIS of California. I thank the gentleman for yielding.

Mr. Chairman, I asked the gentleman to yield, to at least respond, in part, to some of the statements made by my colleague, the gentleman from Minnesota, BRUCE VENTO, regarding my presentation and the shortfall in the national parks. It was suggested in his remarks that these items had not been authorized. It is my understanding that indeed they are authorized.

There is some question as to whether the authorization included language with some specific lid on the amount authorized. On about half of them, there has been a specific amount, a specific limitation; on the balance, there is not. It is left to the discretion of the needs that exist in those parks, based upon the local supervisor. But I must say the backlog is very real, and we do not find the funds to actually appropriate the money needed to carry out the promises made, often by our authorizing committees. I must say that Secretary Babbitt suggested that there would obviously be enough money available to carry out the intention of the bills that passed from the committee of the other body. One more time we get the promise without having to bite the bullet relative to the appropriations process and see where this money is going to come from.

I have with me a letter from my colleague, Mr. VENTO, that addresses his response to my concern about a very specific problem in one of these parks. In one of these parks, Ranger Mike McKie is shown in this news article lowering a flag before the residency has been provided at this park. It happens to be—you see those truck crates, those metal cars often on railroad cars across the country? He has one of those metal-framed items with holes cut in it, and he is living in it in one of our parks, Death Valley National Monument. We have asked for funding to provide adequate facilities for rangers to live in, and the response from the committees is, "We have other priorities. Don't worry about those rangers who are out there." They are living like they were in a ghetto rather than in one of our national parks.

Mr. Chairman, we are long past due recognizing that the promise is one thing and to pay the bill is another. This bill before us, lots of promises are being made.

The CHAIRMAN. The time of the gentleman from California [Mr. MCCANDLESS] has expired.

(By unanimous consent, Mr. MCCANDLESS was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, will the gentleman continue to yield?

Mr. MCCANDLESS. I yield.

Mr. LEWIS of California. I thank the gentleman.

Mr. Chairman, in this bill we have many a promise but no indication as to how we ought to pay for it or adjust our priorities; it is simply language that suggests how it may be consumed by the needs of this bill. I think the gentleman's reasonable limiting amendment is long past due in this process, and I commend him for his effort.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. MCCANDLESS. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman from California, Mr. LEWIS', comment with regard to housing in the parks. I would just suggest to you that we are undergoing a major reevaluation of housing in the parks because traditionally the Forest Service and BLM have not provided housing for their employees. The Park Service has fallen into a pattern of continuing to add this in irrespective of what the changes are, either demographically or geographically with regard to location and to the cost of housing. So you do not find a ready advocate in me for necessarily housing in the parks, especially if it is not necessary. I think

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that is one of the problems with some of the backlogs that we get.

I think Death Valley is a substantial area, it may be in a remote area, and in those areas we need to deal with housing. But the pattern here has been that we have done this in the past and we are going to continue to do it in the future, and it is exactly that type of a decision that we have to address to reprioritize what our housing policy would be with respect to our employees and for others, concessionaires in the park. I will be working with the gentleman and others to try to do a reasonable job with respect to that problem.

Mr. MCCANDLESS. Reclaiming my time and responding to the subcommittee chairman, I find it difficult to accept the fact that we have traditionally not provided housing for this type of a Bureau of Land Management employee. I do not think the Bureau of Land Management employee would be living out there under these conditions unless it was something that he was asked to do or required to do by the management of that region.

Mr. VENTO. Mr. Chairman, will the gentleman yield to me?

Mr. MCCANDLESS. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I did not understand. My point was that the Park Service finds it essential that they have housing in the parks. BLM and Forest Service less often provided it.

The CHAIRMAN. The time of the gentleman from California [Mr. MCCANDLESS] has again expired.

(On request of Mr. VENTO and by unanimous consent, Mr. MCCANDLESS was allowed to proceed for 2 additional minutes.)

Mr. MCCANDLESS. I yield further to the gentleman.

Mr. VENTO. I thank the gentleman.

My point is there has been the proper evolution, I do not think, in terms of policy with regard to housing of park employees, or not housing them. It is a sensitive issue to me, and I think it will be to the Members here. In some cases we simply do not need that housing. There is a lot of resonance in terms of building and doing things, but it does not necessarily serve the purposes of the park.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. MCCANDLESS. I yield to the gentleman from California [Mr. LEWIS].

□ 1320

Mr. LEWIS of California. I must say that the chairman kind of passes by neatly a pretty fundamental question. Maybe we do not need housing in these parks. Maybe in a remote area we might consider that policy question.

My colleagues, this is a remote area. We are talking about millions of acres way out in the countryside. Death Valley National Monument is huge, huge territory.

I quote Secretary Babbitt of the Department of the Interior. He says there are park rangers living with families in slums as bad as anything we would see in the third world, and that same secretary said in the committee of the other body that we will have enough money to carry forward whatever is required by this bill.

Well, my colleagues, it is time we tell these park rangers and their families, as well as the American taxpayer, how we are going to pay for it.

Mr. MCCANDLESS. Mr. Chairman, I thank the gentleman. I would like to respond by saying that we are asking people who are law enforcement officers, who are responsible; the basic responsibility lies within the framework of these officers to enforce what it is that this legislature and this legislative agreement that we are talking about is required to do and to say to them, "Well, we want you at a certain place 60 miles from the nearest grocery store, and we don't have anything out there, but we have been able to find some type of a railroad car that we bought for a price." This is just not the way we want to treat these people who have the basic responsibility for managing this bill, as it is to be implemented, into the real world.

Mr. VENTO. Mr. Chairman, will the gentleman yield just once more?

The CHAIRMAN. The time of the gentleman from California [Mr. MCCANDLESS] has expired.

(On request of Mr. VENTO and by unanimous consent, Mr. MCCANDLESS was allowed to proceed for 1 additional minute.)

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. MCCANDLESS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I think the question we have to ask ourselves is BLM manages this land now at 24 employees. How many housing units do they have in the California desert? I do not know that they have any. They have 242 housing units, BLM does, throughout all of the units it has in North America, in Alaska and the contiguous States. They have 242.

So, this is the point I am trying to make here. It is that we have to harbor our resources carefully today and look at what the contemporary needs are. They ought to be living in the community, and I think there is a real advantage to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. DUNCAN] as modified.

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: At the end of the bill add the following:

TITLE VIII—BUY AMERICAN ACT

SEC. 801. COMPLIANCE WITH BUY AMERICAN ACT.

None of the funds made available in this Act may be expended in violation of sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act"), which are applicable to those funds.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, earlier we had a hypothetical supposition by the chairman, that in the event that the gentleman from California [Mr. LEWIS] would fall out of a vegetable truck, here is what my amendment would do:

I would want that vegetable truck to be made in America, those vegetables to be grown in America, and, if the gentleman from California [Mr. LEWIS] would have to go to the hospital, I would want him to go in an ambulance that is made in America, and, if he needed to be x rayed, tested on machines, I would want those machines to be made in America because the gentleman from California [Mr. LEWIS] falling out of a vegetable truck on or about the desert could be good for American workers and the American economy.

So, Mr. Chairman, I ask my colleagues to support my buy American amendment and pass it overwhelmingly.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, we have looked at this amendment. It is fine.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I think this is an excellent amendment, as all the amendments of the gentleman from Ohio [Mr. TRAFICANT] usually are.

Mr. TRAFICANT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

Mr. MILLER of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MONTGOMERY) having assumed the chair, Mr. PETERSON of Florida, Chairman of the Committee of the Whole House on the

State of the Union, reported that that Committee, having had under consideration the bill (H.R. 518) to designate certain lands in the California desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. BARLOW. Mr. Speaker, I was unavoidably detained and was not present to vote on the Miller amendment to H.R. 518, the California Desert Protection Act. But had I been here, I would have voted for the amendment, which was recorded as rollcall vote 319.

GENERAL LEAVE

Mr. DIXON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 4649) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes, and that I be permitted to include tables, charts, and other extraneous material.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from California?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT 1995, INCLUDING SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR FISCAL YEAR 1994

Mr. DIXON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4649) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from New York [Mr. WALSH] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DIXON].

The motion was agreed to.

□ 1326

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4649, with Mr. MFUME in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from California [Mr. DIXON] will be recognized for 30 minutes, and the gentleman from New York [Mr. WALSH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members, I am pleased today to present to the House the District of Columbia appropriations bill for fiscal year 1995. I will be brief as to my remarks, but first I would like to thank the members of the subcommittee for their support and assistance, especially the gentleman from New York [Mr. WALSH], the ranking member of the committee, for his contributions. We have certainly not always agreed philosophically, but I think we respect each other's opinion, and I am pleased to announce to the House that, along with the ranking member, Mr. WALSH, and the gentleman from Virginia [Mr. BLILEY] who is the ranking member on the authorizing committee, and with the approval of the chairman of the authorizing committee, Mr. STARK, we have reached an agreement that I will touch upon in a few minutes.

This bill, Mr. Chairman and Members, is different from the other appropriation bills in two ways. First, it is balanced with budget authority equal to revenues; and, second, it includes the appropriation of three District kinds of funding. The first is the Federal money, which totals $720 million. Second, it includes local taxes and fees which amount to $3 billion. And third, it includes long-term borrowing authority in the amount of $5 million. These amounts add up to the total sum of the bill of $3.7 billion.

□ 1330

And that is the distinction that it has from the other 12 appropriation bills which only include Federal funds and they draw of their funds from the Federal Treasury.

We are also recommending a net increase of $22 million in supplemental appropriations and rescissions for fiscal year 1994. These are all District funds. There are no Federal funds involved in the 1994 supplemental which is included in this bill.

For fiscal year 1995, the $720 million to which I have just made reference is $20 million above last year's appropriation but $2 million below the President's request and $5.7 million below the city's request. The $720 million falls basically into 2 categories. The Federal payment, which is $667.9 million, and the Federal contribution of $52.1 million to the police, fire, teachers, and judges retirement system.

I would like to take just a moment to explain these two categories briefly. The Federal payment of $667.9 million is authorized under Public Law 102–102 that established a formula for determining the Federal payment for fiscal years 1993, 1994, and 1995. The formula is 24 percent of general fund local revenues collected by the District of Columbia 2 years prior to the budget year. This is the third and final year of the Federal formula payment under the current authorization.

I would point out that just yesterday I received a letter from the GAO which indicated that the Federal payment by their calculations should be $671.4 million, so we are well below their calculation.

We recommend $52.1 million, as I indicated, for the police, fire, teachers, and judges retirement system. This is the 16th of 25 annual payments authorized under Public Law 96–122. For the Police Department, we recommend $227 million. For the 81,000 students in the public school system, we are including an increase of $25 million for a total of $543 million for fiscal year 1995.

In the area of human resources, we are recommending $779 million, an increase over last year's recommendation of $14 million.

During our hearings we received a report from the Social Services Commissioner. I want to point out that I think she is making some progress in hiring and training additional social workers and eliminating overplacements, but one of the major problems with foster care from my perspective is that the District is having a difficult time trying to keep up with the new cases that come in. The largest single program under the "human services" category is the Medicaid program, which amounts to over 36 percent or $283 million of the Department of Human Services' budget. This $283 million is matched by the Federal Government, so that the total for Medicaid in 1995 is $600 million.

As most of us have been reading in the newspaper, the District is the subject of 30 or so significant equity suits that involve several programs and departments ranging from Housing to Corrections to Foster Care to code violations in the public schools. The requirements of these court orders and mandates are straining the District's resources.

The bill also includes $106 million for pay adjustments for all District employees, including police officers, firefighters, teachers, and other employees. This is the second year of a 3-year

collective bargaining agreement. Prior to last year District personnel had not received a pay raise since October 1989 and were furloughed 12 days in fiscal year 1993. They were also denied within-grade raises for fiscal year 1993.

There are two language items that I would like to point out to the members of the committee. First, as it relates to abortion, the current law prohibits the use of Federal funds for abortion except to save the mother's life and in the case of rape or incest. The restriction on Federal funds is identical to the Hyde language adopted last year and this year on the Labor-HHS Appropriations bill.

The committee also deleted the restriction on the use of funds to implement the Domestic Partnership Act as requested by the District.

Before I conclude, I want to briefly share with the House the results of a well-publicized GAO and CBO report. On March 29, the gentleman from California [Mr. STARK], who is the chairman of the authorizing committee, and I joined in a letter to the GAO and CBO asking them to analyze and examine the budget and the budget process of the District of Columbia. They reported back to us on June 22. Our subcommittee transmitted a copy of the report to the members of our committee. I want to point out that there were no real surprises in the report. We had discussed in our hearings the issues that are discussed in the report.

I fully agree with the Members who indicate that there is a financial crisis in the District. It is a financial crisis that I believe can be corrected if the District takes action immediately to cut spending and improve its management of District funds. In my personal view, the problem is not caused necessarily by the lack of money that flows into the pipeline, although I would argue that on occasion the Federal payment has not been adequate, but, rather, it is the money that is flowing out of the pipeline. It is flowing out at a much faster rate than it is flowing in.

I understand that the District has a large number of citizens who need public services, and I think those services should be provided. However, I do think that the District must at some point take some of the priorities off the table. In that regard, a compromise has been entered into by the gentleman from Virginia [Mr. BLILEY], the gentleman from New York [Mr. WALSH], and myself. Basically, that compromise directs the District to reduce its spending in fiscal year 1995 by $150 million. Some would say that is an excessive amount, but I would say that there is a recognition by the District already of the impact of the agreement they have reached through a consent decree as it relates to the payment of arrearages to the pension fund, and because of that, the budget is out of kilter on a cash basis. When you take that money away and if you accept the proposition as you look at the anticipated revenues that they are exceptionally high in a declining economy; and if you accept the proposition that the Medicaid expenditures for 1995 are suppressed, that is, they are underestimated; and if the District is to reach the end of the year and still have a balanced budget, they are going to cut at least $100 million to $150 million. So as it relates to that money, I say that the Congress is directing them to do something that they would have to do anyway if they are to adhere to a balanced budget concept.

Second, it does not direct the District to make any specific cuts—we leave that judgment up to the Mayor and the City Council.

It also provides reporting requirements and an implementation plan. The language requires that no later than 30 days after the date of enactment, the Mayor of the District shall submit to Congress a report setting forth a detailed plan for implementing the reduction.

As we know, the gentleman from California [Mr. STARK] is holding hearings tomorrow on the Federal payment, and I want to assure this body that our committee, as well as Mr. STARK's committee, intends to stay abreast of the District government's spending, and District officials will have to make quarterly reports to the committees. In no event, though, shall they spend in 1995 more than they collect. There is a section in our agreement that says the total outlays of the District of Columbia during fiscal year 1995 shall not exceed the total receipts collected by the District during such fiscal year.

And, fourth, the compromise amendment provides that if in fact they do spend more than they collect the amount by which their outlays exceed their receipts will be deducted from the 1996 Federal payment.

□ 1340

I would rather come to the floor with no agreement; however, the District government is in a precarious financial situation and has lost its credibility with this Congress, so I feel it necessary, in order to get sufficient support for this bill, to enter into an agreement. But I think it is an agreement they would have to implement on their own if they were to keep good faith. From that perspective, I think it is a good agreement.

I would like to thank and acknowledge the fine work of the General Accounting Office and its staff. I also want to thank District officials for their total cooperation in the GAO report. It obviously was a very painful experience for them. But, under the circumstances, I think the findings of the GAO report are totally accurate, and I was pleased to see that the Wall Street analysts support the findings of the GAO report.

Mr. Chairman, I reserve the balance of my time.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have enjoyed working with Chairman DIXON throughout this process and the other members of the subcommittee as we worked our way through the hearings and the markup. I would like to thank our subcommittee staff, in particular Shelia Brown on my staff, Debbie Weatherly, and Migo Miconi on the chairman's staff, for their hard work.

We heard a lot in these hearings. However, the chairman and I have drawn some different conclusions on how to respond, although, as the chairman has noted, we have reached, with the help of the gentleman from Virginia [Mr. BLILEY], a substantial compromise, that I think we can all support. I will comment on that later also.

The chairman also has accepted in the process two amendments that I offered. One was a requirement that the District provide quarterly reports on spending and revenue projections throughout the year to the subcommittee; and a second amendment that would provide appropriations of $250,000 for an audit of the pension board, following on to what the gentlewoman from the District of Columbia [Ms. NORTON] had requested earlier on. It would formalize that process.

Allow me, please, to share with you some of what I heard and also the results of the GAO audit requested by the chairman. Although the District received an additional $331 million from the Congress in proceeds under general obligation bonds in 1991, and then another $100 million more from the Congress, their cash position has declined since then by $200 million. They will finish the year 1995 with a minimum cash deficiency of $21 million. Minimum. The GAO suggests there could be more than $200 million in deficit at the end of 1995, and have to borrow from the U.S. Treasury.

While the mayor claims to have cut employment by 17 percent, the GAO audit shows employment at best has been reduced by 9 percent, but payroll costs have gone up. The Mayor decided not to pay pension payments this year, and the pension board was forced to raid the fund. Since then, an agreement was reached, but it cost the taxpayers an additional $13 million in penalties, fines, and interest. The Mayor has not yet explained where the dollars will come from to meet the obligations under this agreement.

The list goes on. The GAO report is dramatic evidence that the District of Columbia is out of control and headed for bankruptcy. We cannot stand by anymore and point to home rule. The law says that the District must present

balanced budgets to the Congress to qualify for home rule, and they have not.

In 1991, supplemental request, they asked for and got an additional $103 million to balance their budget. In 1992, they transferred $28 million out of the water and sewer fund to the general fund to balance the books, a clear violation of their own charter. In 1993, they changed their property tax year to get five quarters into that year, to get an additional and phony $174 million. By the way, since our Federal formula grant is based only on that phony number, we are being asked to pay more this year because of it.

I planned to offer an amendment to reduce our appropriation by $41 million, but this compromise agreement covers that amount.

In 1994, the Mayor tried to renege on the pension payments to free up an additional $150 million and the city council established fees that may be ruled unconstitutional to gather another $35 million.

Estimates are that this year the budget is short by $200 million. Who do they think they are fooling? These are in the papers every day. Allow me to cite some of the problems that are not being addressed.

Just this week, we read that the Department of Housing, rated the worst in America, spent an additional $1.3 million to spruce up its own offices, while hundreds of rental units remained empty, unrepaired, and uninhabitable, and hundreds of Americans are living on the streets of Washington, DC, homeless.

Regarding home rule: We tell cities and States all over America what rate to pay for Medicaid reimbursements. We tell doctors basically what to charge for services. We tell schools what standards to achieve. We tell businesses what the minimum wage is and what constitutes a violation of their employees' rights. We tell States that they will get no highway funds unless they set speed limits at 55 miles per hour. We tell everybody what to do and how to do it. Why not the District of Columbia? The Constitution has given us the right and the authority to do that.

Home rule equals balanced budgets. If the District does not provide a balanced budget, we do not have to provide home rule.

One point on the District General Hospital, the District is writing off $10 million per year and they call this a loan to make the books balance. They are not collecting Medicaid or private insurance. The hospital is really a primary care facility, not needed as a hospital.

I will ask for a feasibility study over the next year to determine how to close the District hospital. It is currently $109 million in debt, accumulated debt, and it has been projected by the GAO audit that it will be $280 million in debt by the year 2000. Other District hospitals can make up the beds, room days at the DC hospital are down, surgeries are down. They need a clinic in the neighborhood, not a hospital that loses $10 million per year. Depending on the report and the management of that hospital over the next year, I will offer an amendment to eliminate funds under next year's appropriations bill.

Minimum cash shortfall for 1995, $9 million, probable $21 million. This year the District will receive $668 million from the Congress, from the taxpayers of the United States, in addition to $52 million directly on the pension fund, and $770 million in direct grants, which equals $1.5 billion to a city of 600,000.

A couple of points on mismanagement in the District. The Rivlin Commission said the District of Columbia has 40 percent higher staffing levels than the average city in America. The mayor said she would cut 17 percent. There has been nowhere near a 17-percent cut in employment. Just to make the point. My hometown, Syracuse, NY, 170,000 people, the District of Columbia has 600,000. So DC is about three times larger than Syracuse in terms of population.

The city council payroll for the District of Columbia is 192 employees. Syracuse, including the councilors, has 14 employees. Police, Syracuse, 757 total officers. DC, 5,429. Public works, Syracuse has 350 employees, DC has 1,240. The corporation counsel's office for a city of 170,000 in Syracuse has 29 lawyers. The District of Columbia has 247. The department of finance, Syracuse has 35 employees, the District of Columbia, 229.

Just to give you an idea, and you will hear the argument the District of Columbia is largely tax exempt, property tax exempt, because of all the government property. It is true, the District of Columbia is 49-percent tax exempt. But my hometown, Syracuse, NY, is 52-percent tax exempt. So the District of Columbia is not unlike any other State capital city or county seat city in America, in that its property tax is roughly 50-percent uncollectible because it is tax exempt property. So they are not unusual in that respect.

While the District of Columbia has county and statelike responsibilities, those are clearly apples to apples comparisons.

Mr. Chairman, in conclusion, last week the AIDS director for the District of Columbia resigned. Earlier this year, the health commissioner resigned, as did the Medicaid director. The Board of Elections officials, school superintendent, housing supervisor, the list goes on and on; these individuals have either resigned or been fired. We rarely saw a department head, the same department head this year in our hearings that we saw last year.

□ 1350

Something is dramatically wrong. Home rule and the current situation of unfunded pensions, unbalanced budgets, and poor management of city resources is no longer possible.

Mr. Chairman, I intend to comment on the compromise agreement when we get to the amendments.

Mr. Chairman, I reserve the balance of my time.

Mr. DIXON. Mr. Chairman, I yield 5 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, the District appropriation is always and perhaps always will be the most difficult appropriation to come to the floor of the House. I suppose this is in part because it is nobody's District but mine and it is nobody's responsibility but the gentleman from California [Mr. DIXON]. Of course, it is in everybody's interest to remember that it is everybody's Nation's Capital.

In bringing this appropriation forward, we have been struggling as the capital of the United States struggles to stave off insolvency. And when the time comes to cast a vote, I am going to ask Members to cast their votes for the District. And I am going to ask them to vote against any cuts beyond what the chairman and the ranking member of the Subcommittee on the District of Columbia have been able to agree upon.

For there could be nothing more true than that the District is drained of cash. I will speak to the compromise later. I want only to say at this time that I regret that the appropriation has provided the opportunity to bring or to begin to bring the District's budget under control. I am grateful that far more harmful approaches have been eliminated by virtue of a very tough compromise that has been worked out.

I ask my own constituents in the District to understand that while 80 percent of this budget before this House is their money, there was a real question whether we could get their money and the Federal payment through this House in an appropriation. And so the appropriation that comes out of here today comes out only because of the compromise that has been reached.

I opposed hurling the budget back at the District, because I believed it was a pitfully inadequate approach to the point of being counterproductive. I did not believe we would get back a piece of paper much better looking than the one that has been submitted.

Cutting the District and the appropriation attracted cuts of all kinds for the first time since I have been in the House. And yet cutting is precisely what the District has been doing now for several years. And so we have to ask, why has this not worked?

They have cut hundreds of positions, with layoffs and the elimination of positions. They have had 12 furlough

days. They have had a pay freeze for 3 out of the last 5 years. With all that happening, why are we in this predicament?

I believe, Mr. Chairman, that it is because the cuts were disconnected from the restructuring of the D.C. government itself. And thus I think that perhaps the District could continue to cut until doomsday. But if it did not in fact look at the underlying problems, then I think it would have indeed been doing that, cutting until doomsday. In effect, the District has been making temporary savings because the underlying problems have remained intact, making more cuts necessary for the next budget period.

Part of this results because the District government grew like topsy before home rule and then was handed to the District, which simply added to it or reshaped what was there. This happened throughout the 1970's, and it happened throughout the 1980's, and it is happening throughout the 1990's.

The D.C. government needs to be finally taken apart and put back together again to get at recurring fiscal problems and shortfalls and deep structural problems in the way the District government itself is structured, full of redundancies and inefficiencies that simply have been built on top of one another year after year after year.

An example of the pre-home rule legacy, with direct and unaddressed congressional culpability, is the debt, the largest debt unilaterally created by Congress, the $5 billion unfunded pension liability which forces the D.C. government to spend currently $300 million annually to pay for pensions, as they say, on a pay-as-you-go basis.

What that increasingly means for the District is pay as you go broke. I certainly hope that the pension liability bill that is before the Congress will be passed this year as one way to begin to get a hold of a huge structural problem bequeathed us by this Congress.

The GAO report, however, is the result of a congressional initiative that has exposed the problem and its causes, and I think it is the GAO report that lays the predicate for whatever hope we have to moving forward beyond this problem at this time.

The short-term budget manipulations that would have come to the floor, if the compromise had not been reached, would have left the District struggling next year as it has this year. With this very heavy compromise, however, There would be no place to run and no place to hide, because the Congress has now made that impossible.

The predicate for a systematic reworking of the D.C. government has been laid by the Congress. It would have been my preference that this initiative come from the D.C. government. It is here now. There was absolutely nothing further that anyone in this body would have done to prevent it.

The chairman of the subcommittee, the gentleman from California [Mr. DIXON], put out his best, his very best, and I thank him sincerely.

The CHAIRMAN. The Chair would advise Members controlling the debate time that the gentleman from New York [Mr. WALSH] has 21 minutes remaining, and the gentleman from California [Mr. DIXON] has 13 minutes remaining.

Mr. WALSH. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. BLILEY], ranking member of the Committee on the District of Columbia.

Mr. BLILEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to thank the chairman of the Appropriations Subcommittee, the gentleman from California [Mr. DIXON]. I would like to thank the gentleman from New York [Mr. WALSH], the ranking member, for working together with this member as we deal with this situation.

I do not think that any of us enjoy being here in the position that we find ourselves today. I know that the chairman of the subcommittee, the gentleman from California, who knows better than anyone that this budget is in bad shape, does not wish that he is here today dealing with this as we have to deal with it. It is the spotlight that he has focused onto the District budget which has cast such a large shadow over this appropriations bill. Anyone who has followed the local news recently knows that the delegate of the District of Columbia does not want to be here. She has been dealt a very difficult hand, and she has handled it exceedingly well.

I can assure Members that I do not want to be in the position that I am in today. In the past 3 years I have helped the District with an infusion of more than $1 billion.

□ 1400

Believe me, I do not take pleasure in saying that despite all of our efforts, the District is still facing a short-term financial crisis which pales in comparison to the long-term crisis dead ahead.

Mr. Chairman, District expenditures are growing at twice the rate of revenues and the annual budget deficit, if we do nothing, will grow to $742 million by the year 2000.

Let me state, Mr. Chairman, that this budget, the District budget, is not a partisan issue. We all share responsibility for the Nation's Capital. We are divided, however, between those who would have us do nothing, despite the evidence we have, and those of us who fully understand that the day of reckoning is here. We are all in our unfortunate positions because the District government has refused to make any changes in the budget before us. District officials have, instead, chosen a strategy of blaming Congress for the problems in the budget.

If that strategy works today and we do not force District officials to live up to their responsibilities under their home rule charter, we will see it repeated over and over again. If we do not demand that the District government revise this year's budget, there is little hope we will achieve any semblance of discipline in the future. The District will close the books early in fiscal year 1994, deferring some $30 million in disbursements into fiscal year 1995.

The District also faces an estimated $90 million in new expenditures to correct the more than 5,600 safety violations in the public schools. A judge has threatened to keep the schools closed until repairs are made. District officials acknowledge they do not have the money.

GAO found that the District has not budgeted funds to pay the cost for more than 300 inmates who are housed in Federal and other non-D.C. correctional facilities. It has uncovered violations of the Anti-Deficiency Act. Some have calculated that the fiscal year 1995 deficit for the District of Columbia will reach between $200 and $300 million.

Congress has done its part to help the District. Between 1990 and 1994, Federal assistance to the District has increased by nearly 30 percent compared to a 9-percent increase in general fund local revenues. In 1990 the Federal Government provided 49 cents for every $1 raised in local revenues. Today the Federal Government provides 58 cents for every $1.

As the gentleman from New York [Mr. WALSH] has pointed out, the Federal Government will provide more than $1.5 billion to the District this year. Members may be interested to know that the District has just recently projected it will receive $31 million more in Federal grants than it anticipated in April.

Mr. Chairman, I have been a strong supporter of the District and have worked hard on a bipartisan basis to help this great city. We all share a responsibility for the Nation's Capital, but we cannot ignore the reality and the seriousness of the District's financial crisis. We have a fiduciary responsibility to the American taxpayer to ensure that these funds are spent wisely and in accordance with Federal laws.

Mr. Chairman, I will speak at the time the amendment is offered. Again, I want to thank the gentleman from California [Mr. DIXON] for his patience and understanding and willingness to work together that brings us to this point today.

Mr. DIXON. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. STARK], the distinguished chairman of the authorizing committee.

Mr. STARK. Mr. Chairman, I thank the distinguished chairman of the Subcommittee on the District of Columbia

of the Committee on Appropriations for yielding time to me, and I wish to engage the distinguished ranking member of the committe in a colloquy.

First, Mr. Chairman, I would like to take the opportunity to thank the gentleman for his work in bringing about this compromise, and to state that the gentleman on the Committee on the District of Columbia has been an advocate of home rule and has been a great help to us in attempting to assist the District where he can and resist interfering, where often fools would rush in where angels fear to tread. The gentleman has been a consistent aid in that, and I appreciate his patience. I want to commend the gentleman.

Mr. Chairman, I believe that I am quite right that the gentleman still maintains his commitment to home rule, is that not the case?

Mr. BLILEY. Mr. Chairman, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Virginia.

Mr. BLILEY. That is the case, Mr. Chairman, I would say to the gentleman.

Mr. STARK. Mr. Chairman, we would both look forward to the day when perhaps this was not necessary and the payments would be more automatic, in the nature of real estate taxes, and he and I would have time to pursue other interests that might be of more importance to our particular constituents, but in the meantime I wanted to take this opportunity, along with the ranking member of the subcommittee, to thank them for arriving at this compromise. I think it is a wise step, and I think it will satisfy many of the concerns of the Members of the House, and, I might add, if any Members have a tremendous interest in this, I am sure the gentleman from Virginia [Mr. BLILEY] would say we always have room on the Committee on the District of Columbia for those who would like to pitch in and help. The gentleman does yeoman's work and I want to thank him for his cooperation in these matters.

Mr. BLILEY. If the gentleman will continue to yield, Mr. Chairman, I also want to thank the gentleman for his help in improving the language of the amendment that will be offered shortly.

Mr. STARK. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I support the District of Columbia appropriations bill for fiscal year 1995, and I commend Chairman JULIAN DIXON for his diligence in managing this bill through an arduous process under very trying circumstances. And, I especially want to commend the ranking member of the House District Committee, TOM BLILEY of Virginia, for his support of home rule and his role in reaching a compromise to finally bring this bill to the floor.

There is no longer any mystery as to causes and effects of the District's fiscal crisis. On March 29, 1994, Chairman DIXON and I commissioned the General Accounting Office [GAO] to conduct a comprehensive review of the District's finances. An excellent interim report was released by the GAO on June 22, 1994. With great detail and impressive analysis, the report explains how the District has reached this low point.

Based on GAO's findings, I am convinced that major financial and management reforms must be implemented immediately to avert financial calamity. However, this appropriations bill is not the proper vehicle for those reforms. Nor is it the role of the Congress to hastily impose major changes.

Out of my deep respect for home rule, I will oppose any amendment offered here today that would propose specific cuts in District programs. I will also vote against any attempt to impose the moral views of others on the sovereign residents of the District.

Nevertheless, the District's political and governmental leaders must make tough choices now. If not, the city will effectively "hit the wall" next year and need to borrow from the Federal Treasury. Time is of the essence.

Let me say Mr. Chairman, that I am disappointed that the District has failed to heed the warnings of even its best friends here in Congress. I know of the frustration of my colleague, JULIAN DIXON, to get the city to responsibly fulfill its own obligation to its citizens and to present Congress with a logical and balanced budget. My own attempts to get the city to acknowledge its need to demonstrate some modicum of fiscal discipline were summarily dismissed by the District. Matters did not need to reach this point.

Beginning tomorrow and over the next several weeks, my committee will consider legislation reauthorizing the annual Federal payment to the District. At that time, and in that context, the Committee will address many of the issues raised by the GAO report.

In closing, home rule does not absolve the District of its obligation to exercise responsible decision-making and fiscal discipline. Nor does it absolve the Congress of its responsibility to the Nation's taxpayers, including the District's residents. This bill now sends a clear signal to the District that Congress will not sit idly by while the District descends into bankruptcy.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I thank my colleague, the gentleman from New York [Mr. WALSH] for yielding me this time.

I intended to offer an amendment, Mr. Chairman, cutting $1.6 million out of this bill, but in light of the compromise that has been worked out I think the points have been made. I would like to associate myself with the remarks of the gentleman from New York [Mr. WALSH], which I think were excellent, and point out a problem that remains, notwithstanding that a compromise has been achieved this year.

I do offer my congratulations to the gentleman from New York [Mr. WALSH], the chairman, the gentleman from California [Mr. DIXON], and the ranking member, the gentleman from Virginia [Mr. BLILEY] for the hard work they have done to pull something together here.

However, Mr. Chairman, I have to point out that my remarks during the rule still are relevant. We have not made a fix. It is broken. Either the system is broken or the management is broken, I do not know which, but it has got to be fixed.

The chairman of the subcommittee has more or less agreed to that problem or to that hypothesis, Mr. Chairman, and has promised that we will try and do better. I think that is very important, because we do have a genuine financial crisis. The GAO has said so, others have said so, people who have looked at it have said so.

No matter whether people agree or disagree, we cannot come up with the fact that we are not having a problem with dollars. I think, Mr. Chairman, that the fact that we have a management problem still has been underscored, regrettably, in a Washington Post article, I think it was today, where it talked about the Housing Department, which was the genesis of my amendment, the problems that have been caused there by the scandal and the misappropriation of dollars for glorifying their headquarters when there are needs for the people of the District of Columbia for shelter and better improved housing; that the money was spent on propaganda for newsletters, it was spent on cleaning up the headquarters and making a better palace for the leaders of the program, apparently.

Now we read in today's paper that indeed there have been junkets to Puerto Rico. What is happening is that they just have not got the message in this department, and they just have not got the message in some of the other departments of the District of Columbia.

I hope that those in positions of authority are going to send that message, because I, too, would like to be able to stand here and say, "I think Home Rule has succeeded in Washington." I do not think that is the case now. I would love to be able to say that.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, as a member of the Committee on the District of Columbia, I rise in support of the compromise to cut $150 million from the District of Columbia budget.

In the summer of 1991, with bipartisan support, the House approved a series of steps to help the District financial situation. One of the most important actions was to approve a controversial $331 million bond obligation. As a past local government official who had to balance a budget I learned one

thing for sure: "you don't sell bonds for operating expenses as the District of Columbia government did in 1991."

Only the Federal Government can do that, and I think that is wrong. And would you believe that the District received a beneficial interest rate on those bonds in spite of their financial condition? Would you like to know why—because the bond attorneys knew that we, the Federal Government would eventually have to pay up. Ultimately, it is the responsibility of the Federal Government to cover the bonds.

The D.C. government must face the problem now or it will fall on the backs of the American taxpayer. The time has come to quit playing politics with the numbers and face facts.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Nebraska [Mr. BEREUTER].

□ 1410

Mr. BEREUTER. Mr. Chairman, I do not want to make life more difficult for the gentleman from California or the gentleman from New York. I am a member of the Housing Subcommittee of this body and I would like to have some attention from the District of Columbia's Department of Public and Assisted Housing [DPAH].

The gentleman from Florida [Mr. GOSS] just made mention of the difficulties revealed today again.

In a recent hearing before the Housing Subcommittee, both the HUD inspector general and the special master appointed by Judge Steffen Graae of the District of Columbia Superior Court expressed their judgment that the Department of Public and Assisted Housing should be placed in receivership. This Member heartily concurs with that judgment.

The residents of the District have been harmed and allegedly defrauded by their local government. The District's housing authority has been rated by HUD as "troubled" since 1979—the first year such a designation was used—yet neither HUD nor the District Government has succeeded in alleviating the problems at DPAH. In fact, things have only gotten worse. In their most recent rating, HUD rated DPAH as the worst public housing authority in the Nation.

Despite the recent charges brought against DPAH authorities, no action has been taken by DPAH to recover the section 8 certificates which were fraudulently issued. Even as fraud is uncovered and publicized, DPAH does nothing to remedy the situation.

Mr. Chairman, it is apparent that neither the District nor HUD is able to deal with this situation on their own, or most likely, together, and that the only answer to this problem is an independent receiver. Despite a joint effort between the District and HUD to clean up the mess that is DPAH, the shenanigans continue. Today's Washington Post reports that just last month, apparently with the blessing of the HUD-District partnership, DPAH sent eight representatives on an all-expense paid trip to Puerto Rico at a cost to taxpayers of $10,800. The excuses offered to justify the trip are transparent and ridiculous. This use of funds is outrageous and inexcusable. While citizens of the District go homeless, DPAH employees bask in the sun and stay at a luxury hotel.

If this can go on after HUD and the District have vowed to clean up DPAH, it is clear that they are not up to the task. Receivership is the only answer. In fact, Mr. Chairman, in a hearing on May 24, the special master, Mr. James Stockard, again made that recommendation to Judge Graae. It is this Member's hope that Judge Graae will finally exhibit the proper judgment and minimal courage to take Mr. Stockard's advice. However, the Judge has not yet acted, and the residents of the District continue to suffer while Judge Graae procrastinates.

As this body moves to make Federal funds available to the District, this Member wants to take the opportunity to urge Judge Graae to act to place the District of Columbia Housing Authority in receivership. It is the responsibility of this body to see that the Federal funds appropriated for the District are not misused. Unfortunately, it is clear that until the Judge acts we cannot have an even minimal assurance that such misuse will not occur again. Again, this Member urges Judge Graae to place the District of Columbia's Department of Public and Assisted Housing in receivership. The citizens of the District, and the taxpayers of the United States should not be defrauded further.

Mr. WALSH. Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I want to commend the ranking Republicans and the chairman and the subcommittee chairmen on the Democratic side for their efforts at compromise on this bill. However, there is one subject in the bill that there has not been a compromise made and which apparently there will not be. That is, the fact that the District of Columbia is one of the few cities in the country that has passed a domestic partnership act under which any two individuals who can prove by certification that they live in the same domicile whether they are married or not can receive health care benefits.

This act is actually entitled the Health Care Benefits Expansion Act of 1992.

Mr. Chairman, I want to read into the RECORD the definition of what a family and what a domestic partner is called in this act. It says "Definitions" under section 2:

A domestic partner means a person with whom an individual maintains a committed relationship as defined in subsection 1.

In subsection 1, a committed relationship means a familial relationship between two individuals characterized by mutual caring and the sharing of a mutual residence.

A domestic partner, then, is anyone who is 18 years old, mentally competent who agrees that they are the sole domestic partner of the other individual and who is not married. In plain English, what this means is that homosexual couples, heterosexual couples who are not married, roommates, can go to the District of Columbia, register as domestic partners, and then be eligible for health benefits and any unemployment or any other benefits that happen to be available if they happen to be employees of the District of Columbia.

To me, this is simply not acceptable. It has not been acceptable to the last Congress and to the previous Congress.

In 1992, the gentleman from Texas [Mr. DELAY] offered an amendment that would have prevented any funds being spent to implement this act. That passed with 235 votes. In 1993, the gentleman from Oklahoma [Mr. ISTOOK] offered a similar amendment that passed in this body with 251 votes. I am prepared to offer an identical amendment to this bill but because of a parliamentary problem there can be a point of order made against it. The distinguished chairman of the committee has indicated that he would make such a point of order. In order for the Barton amendment to prevent any funds being expended to implement the Domestic Partnership Act, in order to offer that amendment, we have got to defeat the motion to rise which again the distinguished chairman of the committee has indicated that he will offer at the appropriate point in time.

If we go to Webster's Dictionary at the back of this Chamber and look up the definition of family, we do not see the definition that is in this act. To me, a family is your mother and father, your wife, your husband, your children, your aunts, your uncles, your cousins, your nephews, it is not somebody who signs a piece of paper and says they have a mutually caring relationship. That is not the definition of family that I grew up with, it is not the definition of family that anybody in this Chamber has grown up with, it is not the definition of family that the Congress in the last session and the previous session saw fit to support.

I would strongly ask that at the appropriate time Members help me defeat the motion to rise so that I can offer the amendment to prevent any funds in this act from being expended to implement the District of Columbia's Domestic Partnership Act.

Mr. WALSH. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DIXON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 4649

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I

FISCAL YEAR 1995 APPROPRIATIONS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1995, $667,930,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–3406.1).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96–122), $52,070,000.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $81,159,000: *Provided,* That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further,* That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further,* That notwithstanding any other provision of law, there is hereby appropriated from the earnings of the applicable retirement funds $12,432,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided further,* That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further,* That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further,* That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally generated revenues.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $56,343,000: *Provided,* That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2–135; D.C. Code, sec. 45–2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further,* That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further,* That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

HUMAN RESOURCES DEVELOPMENT

Human resources development, $41,046,000.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $884,926,000: *Provided,* That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further,* That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further,* That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further,* That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further,* That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93–412; D.C. Code, sec. 11–2601 et seq.), for the fiscal year ending September 30, 1995, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: *Provided further,* That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5–129; D.C. Code, sec. 16–2304), for the fiscal year ending September 30, 1995, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985: *Provided further,* That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal year ending September 30, 1995, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further,* That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further,* That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further,* That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: *Provided further,* That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1995, in relation to the Lorton prison complex: *Provided further,* That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, fires, riots, and similar disturbances involving the prison: *Provided further,* That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further,* That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $720,258,000, to be allocated as follows: $542,682,000 for the public schools of the District of Columbia; $87,100,000 shall be allocated for the District of Columbia Teachers' Retirement Fund; $60,348,000 for the University of the District of Columbia; $21,260,000 for the Public Library, of which $200,000 shall be transferred to the Children's Museum; $3,301,000 for the Commission on the Arts and Humanities; and $5,567,000 for the District of Columbia School of Law: *Provided,* That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further,* That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures

for official purposes: *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1995, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, $898,034,000: *Provided*, That $20,800,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $195,002,000: *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER FUND

For the Washington Convention Center Fund, $12,850,000.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $306,768,000.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,678,000, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)).

SHORT-TERM BORROWING

For short-term borrowing, $5,000,000.

OPTICAL AND DENTAL BENEFITS

For optical and dental costs for nonunion employees, $3,312,000.

PAY ADJUSTMENT

For pay increases and related costs, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for fiscal year 1995 from which employees are properly payable, $106,095,000.

D.C. GENERAL HOSPITAL DEFICIT PAYMENT

For the purpose of reimbursing the General Fund for costs incurred for the operation of the D.C. General Hospital pursuant to D.C. Law 1–134, the D.C. General Hospital Commission Act of 1977, $10,000,000.

RAINY DAY FUND

For mandatory unavoidable expenditures within one or several of the various appropriation headings of this Act, to be allocated to the budgets for personal services and nonpersonal services as requested by the Mayor and approved by the Council pursuant to the procedures in section 4 of the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–363), $22,508,000.

JOB-PRODUCING ECONOMIC DEVELOPMENT INCENTIVES

For tax incentive programs to be enacted by the Council targeted specifically to stimulating job-producing economic development in the District, $22,600,000.

CASH RESERVE FUND

For the purpose of a cash reserve fund to replenish the consolidated cash balances of the District of Columbia, $3,957,000.

PERSONAL AND NONPERSONAL SERVICES ADJUSTMENTS

The Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of $5,702,000, within one or several of the various appropriation headings in this Act.

CAPITAL OUTLAY

For construction projects, $5,600,000, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–1512 through 43–1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83–364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided*, That $140,000 shall be available for project management and $110,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor: *Provided further*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1996, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1996: *Provided further*, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $265,653,000, of which $40,160,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects: *Provided*, That of the amounts appropriated under this heading in prior fiscal years for construction projects from the water and sewer enterprise fund for the Washington Aqueduct, $21,365 are rescinded.

In addition, for the Water and Sewer Enterprise Fund, such amounts as are necessary for reimbursement to the United States of funds loaned to the Secretary of the Army by the Secretary of the Treasury, including interest as required thereby, for the Washington Aqueduct Capital Improvement program.

Subject to approval of authorizing legislation, during fiscal year 1995, new notes and other obligations shall be issued by the Secretary of the Army to the Secretary of the Treasury for the Washington Aqueduct Capital Improvement program in an aggregate principal amount of $10,000,000.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $8,318,000, to be derived from non-Federal District of Columbia revenues: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5–36; D.C. Code, sec. 43–1801 et seq.), $2,353,000, of which $140,000 shall be transferred to the general fund of the District of Columbia.

STARPLEX FUND

For the Starplex Fund, an amount necessary for the expenses incurred by the Armory Board in the exercise of its powers

granted by An Act to Establish a District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90–445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1996, shall be transmitted to the Congress no later than April 15, 1995.

SEC. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on the District of Columbia, the Subcommittee on General Services, Federalism, and the District of Columbia, of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: *Provided*, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 113. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 114. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 115. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 116. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 117. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96–443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96–93), as modified in House Report No. 98–265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–361 et seq.).

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 119. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 120. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1994 shall be deemed to be the rate of pay payable for that position for September 30, 1994.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79–592; D.C. Code, sec. 5–803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 121. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 122. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72–212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 123. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1995, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1995 revenue estimates as of the end of the first quarter of fiscal year 1995. These estimates shall be used in the budget request for the fiscal year ending September 30, 1996. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 124. Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 806; Public Law 93–198; D.C. Code, sec. 47–326), as amended, is amended by striking "sold before October 1, 1994" and inserting "sold before October 1, 1995".

SEC. 125. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 126. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 127. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037: Public Law 99–177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 128. Effective as if included in the enactment of the District of Columbia Appropriations Act, 1990, section 133(e) of such Act is amended by striking "shall take effect" and all that follows and inserting "shall apply with respect to water and sanitary sewer services furnished on or after January 1, 1990.".

SEC. 129. For the fiscal year ending September 30, 1995, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 130. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4–42; D.C. Code, secs. 1–299.1 to 1–299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council, prior to October 1, 1994, of the required reorganization plans.

SEC. 131. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1995 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 132. Notwithstanding any other provision of law, each agency, office, and instrumentality of the District shall implement a hiring freeze and shall fill only vacancies in essential positions, and to the extent practicable, shall fill essential positions from among employees holding non-essential positions. A non-essential position that becomes vacant, other than by termination for cause, shall not be filled. The Council shall enact legislation to implement this title, which may include, but shall not be limited to, procedures for identifying essential and non-essential positions, for filling vacant essential positions from among employees holding non-essential positions, and for reporting on implementation of the hiring freeze required by this section.

SEC. 133. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representatives under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 134. None of the Federal funds appropriated under this Act shall be expended for any abortion except when it is made known to the entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

INDEPENDENT AUDIT OF RETIREMENT BOARD

SEC. 135. (a) IN GENERAL.—The District of Columbia Retirement Board shall enter into an agreement with an independent firm meeting the qualifications described in subsection (b) to prepare and submit to the Retirement Board a written set of findings and recommendations not later than 6 months after the date of the enactment of this Act regarding the appropriateness and adequacy of the Retirement Board's fiduciary, management, and investment practices and procedures.

(b) QUALIFICATIONS FOR FIRM.—A firm meets the qualifications described in this subsection if the firm has a demonstrated expertise in the areas of investment and investment consulting, particularly with respect to—

(1) the review and analysis of the investment portfolios of large public pension funds;

(2) the investment practices of the managers of such funds;

(3) the relationship of such practices to the fiduciary responsibilities of the managers of such funds; and

(4) the analysis of the investment returns achieved by such funds on both an absolute and risk-adjusted basis.

(c) REPORT TO CONGRESS.—Not later than 30 days after receiving the findings and recommendations provided under subsection (a), the Retirement Board shall submit a report to the Committee on the District of Columbia of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate on the findings and recommendations.

(d) EXPENDITURE OF FUNDS.—The Retirement Board shall spend not less than $250,000 from investment earnings to carry out this section. No additional funds may be provided by the Mayor of the District of Columbia to the Retirement Board to carry out this section.

MUNICIPAL FISH WHARF

SEC. 136. None of the funds appropriated in this Act shall be obligated or expended on any proposed change in either the use or configuration of, or on any proposed improvement to, the Municipal Fish Wharf until such proposed change or improvement has been reviewed and approved by Federal and local authorities including, but not limited to, the National Capital Planning Commission, the Commission of Fine Arts, and the Council of the District of Columbia, in compliance with applicable local and Federal laws which require public hearings, compliance with applicable environmental regulations including, but not limited to, any amendments to the Washington, D.C. urban renewal plan which must be approved by both the Council of the District of Columbia and the National Capital Planning Commission.

FINANCIAL REPORTING

SEC. 137. (a) SUBMISSION OF QUARTERLY FINANCIAL REPORTS.—Not later than fifteen days after the end of every calendar quarter (beginning October 1, 1994), the Mayor shall submit to the Committee on the District of Columbia of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Subcommittees on District of Columbia Appropriations of the House of Representatives and the Senate a report on the financial and budgetary status of the government of the District of Columbia for the previous quarter.

(b) CONTENTS OF REPORT.—Each report submitted under subsection (a) with respect to a quarter shall include the following information:

(1) A comparison of actual to forecasted cash receipts and disbursements for each month of that quarter, as presented in the District's fiscal year consolidated cash forecast;

(2) A projection of the remaining months' cash forecast for that fiscal year;

(3) Explanations of (a) the differences between actual and forecasted cash amounts for each of the months in the quarter, and (b) the changes in the remaining months' forecast as compared to the original forecast for those months of that fiscal year; and

(4) The effects of these changes, actual and projected, on the total cash balance of the remaining months and for the fiscal year.

This title may be cited as the "District of Columbia Appropriations Act, 1995".

TITLE II

FISCAL YEAR 1994 SUPPLEMENTAL DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

For an additional amount for "Governmental direction and support" $164,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127; 107 Stat. 1337), $18,797,000 are rescinded for a net decrease of $18,633,000.

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

For an additional amount for "Economic development and regulation", $1,311,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127; 107 Stat. 1337), $31,697,000 are rescinded for a net decrease of $30,386,000.

HUMAN RESOURCES DEVELOPMENT

Human resources development, $42,801,000.

PUBLIC SAFETY AND JUSTICE

(INCLUDING RESCISSION)

For an additional amount for "Public safety and justice", $16,398,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127; 107 Stat. 1338), $4,742,000 are rescinded for a net increase of $11,656,000.

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSION)

For an additional amount for "Public education system", $17,243,000 for public schools of the District of Columbia and $735,000 for the University of the District of Columbia: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127; 107 Stat. 1339), $487,000 for the Education Licensure Commission, $91,000 for the Commission on the Arts and Humanities, $30,000 for the District of Columbia Law School and $245,000 for the District of Columbia Public Library are rescinded for a net increase of $17,125,000.

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSION)

For an additional amount for "Human support services", $32,461,000: *Provided*, That $4,657,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127; 107 Stat. 1340), $831,000 are rescinded for a net increase of $31,630,000.

PUBLIC WORKS

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127; 107 Stat. 1340), $9,092,000 are rescinded.

WASHINGTON CONVENTION CENTER FUND

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127, 107 Stat. 1340), $338,000 are rescinded.

REPAYMENT OF LOANS AND INTEREST

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127; 107 Stat. 1340 and 1341), $15,161,000 are rescinded.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For an additional amount for "Repayment of General Fund Recovery Debt", $312,000.

OPTICAL AND DENTAL BENEFITS

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127; 107 Stat. 1341), $11,000 are rescinded.

SEVERANCE PAY

For an additional amount for "Severance pay", $6,000,000.

D.C. GENERAL HOSPITAL DEFICIT PAYMENT

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127; 107 Stat. 1341), $5,500,000 are rescinded.

CASH RESERVE FUND

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127; 107 Stat. 1341), $3,957,000 are rescinded.

SHORT-TERM BORROWING

For "Short-term borrowing", $3,500,000.

WATER AND SEWER ENTERPRISE FUND

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127; 107 Stat. 1343), $9,411,000 are rescinded: *Provided*, That $37,436,000 of the amounts available for fiscal year 1994 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects instead of $40,438,000 as provided under this heading in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127; 107 Stat. 1343).

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For an additional amount for "Lottery and Charitable Games Enterprise Fund", $1,235,000.

CABLE TELEVISION ENTERPRISE FUND

The paragraph under the heading "Cable Television Enterprise Fund" in the District of Columbia Appropriations Act, 1994, approved October 29, 1993, is amended by inserting after the figure "$2,353,000" the following: "of which $140,000 shall be transferred to the General Fund of the District of Columbia.".

STARPLEX FUND

The paragraph under the heading "Starplex Fund" in the District of Columbia Appropriations Act, 1994, approved October 29, 1993, is amended by inserting after the phrase "Television" the following: "and an additional $1,400,000 shall be transferred to the General Fund of the District of Columbia.".

GENERAL PROVISIONS

SEC. 201. Notwithstanding any other provision of law, appropriations made and authority granted pursuant to this title shall be deemed to be available for the fiscal year ending September 30, 1994.

Mr. DIXON (during the reading). Mr. Chairman, I ask unanimous consent that the bill through line 2 on page 40 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any points of order against the bill up to that portion?

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. DIXON

Mr. DIXON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 15, strike line 23 through line 9 on page 16.

Mr. DIXON. Mr. Chairman, this amendment is technical in nature. We were trying to accommodate a member of the Committee on Appropriations, the gentleman from Virginia [Mr. MORAN]. It would have allowed the Secretary of the Army to borrow $10 million from the Secretary of the Treasury for capital projects for the Washington Aqueduct subject to approval of authorizing legislation.

The problem is that CBO indicates that it would be scored against our bill. This language was not scored by CBO until yesterday and the scoring results in our exceeding our 602(b) allocation by $10 million.

□ 1420

I think it is a no-cost amendment. However, I am not in a position to argue with the CBO scoring so I am offering this amendment to strike that language.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. DIXON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DIXON

Mr. DIXON. Mr. Chairman, I offer an amendment. It is marked "Compromise Amendment, #2, Offered by Mr. DIXON of California, Mr. WALSH of New York, and Mr. BLILEY of Virginia."

The Clerk read as follows:

Amendment Offered by Mr. DIXON: Page 33, after line 24, insert the following new section:

SPENDING REDUCTIONS

SEC. 138. (a) REDUCTION IN FISCAL YEAR 1995 EXPENSES.—

(1) IN GENERAL.—In addition to any other reduction required by this Act, the total amount appropriated in this title for the District of Columbia for fiscal year 1995 under the caption "Division of Expenses" is hereby reduced by $150,000,000. The reduction shall be allocated by the Mayor of the District among the various appropriation headings under such caption (excluding the "Rainy Day Fund") and shall be taken only from expenses for personal and nonpersonal services.

(2) REPORTING REQUIREMENTS.—

(A) IMPLEMENTATION PLAN.—Not later than 30 days after the date of the enactment of this Act, the Mayor of the District of Columbia shall submit to the Congress a report setting forth a detailed plan for the implementation of the reduction made by paragraph (1).

(B) PLAN REVISIONS.—The Mayor may at any time revise the implementation plan submitted under subparagraph (A). Not later than 30 days after making any such revision, the Mayor shall submit to the Congress a report setting forth a detailed description and justification of such revision.

(C) REVISED CASH FLOW STATEMENTS.—Each report required by subparagraph (A) or (B) shall include a revised cash flow statement for the government of the District that incorporates the reduction made by paragraph (1) and the allocation of the reduction under the plan or plan revisions submitted under this paragraph.

(D) SUPPLEMENTAL BUDGET SUBMISSION.—Any supplemental budget request for fiscal year 1995 submitted by the District to the Congress shall incorporate the reduction made by paragraph (1) and the allocation of the reduction under the plan or plan revisions submitted under this paragraph.

(b) ANNUAL LIMITATION ON OUTLAYS.—

(1) AGGREGATE LIMITATION.—The total outlays of the government of the District of Columbia during fiscal year 1995 shall not exceed the total receipts collected by the government during such fiscal year.

(2) INDIVIDUAL FUND LIMITATIONS.—The total outlays of the government of the District of Columbia from the general fund, or from any special fund, of the District during fiscal year 1995 shall not exceed the total receipts collected by the government and paid into such fund during such fiscal year.

(c) ENFORCEMENT.—

(1) TIMING OF ANNUAL FEDERAL PAYMENT.—The annual Federal payment to the District of Columbia authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act for fiscal year 1996 shall not be made until the Secretary of the Treasury has received from the Mayor of the District a certification of the total outlays of, and total receipts collected by, the government of the District during the preceding fiscal year.

(2) REDUCTION OF ANNUAL FEDERAL PAYMENT.—The amount of any annual Federal payment subject to paragraph (1) shall be reduced by the amount (if any) by which the outlays described in such paragraph exceed the receipts described in such paragraph.

(d) APPLICABILITY.—The provisions of this section shall apply hereafter, notwithstanding any other provision of law to the contrary.

Mr. DIXON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DIXON. Mr. Chairman and Members, this is the amendment I spoke about earlier and that others have made reference to. It is a compromise that has been reached through the efforts of my good friend and ranking member, the gentleman from New York [Mr. WALSH].

Also I would like to thank the gentleman from Virginia [Mr. BLILEY] for his very valuable input, and I thank the gentleman from California [Mr. STARK] for blessing this amendment.

It is something that certainly is not the most desirable thing to do, but when we look at all of the circumstances involved in moving this bill including the response from the District government, offering this amendment was a necessary step to keep this bill moving.

As I indicated before, it is my personal belief that if District officials are to operate in good faith in fiscal year 1995, they would have to cut $150 million anyway. I am sorry the cut is necessary, but I appreciate the cooperation that I have received from all Members of the House.

I especially want to thank the gentlewoman from the District of Columbia [Ms. NORTON], who I very thoroughly understand does not enjoy me doing this, and I have kept her informed. I just am sorry that I could not accommodate her in not reaching this agreement.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this amendment, and I would also like to extend my thanks to the principals in this agreement, the gentleman from California [Mr. DIXON], our chairman of the subcommittee, and the gentleman from Virginia [Mr. BLILEY], ranking member on the authorizing committee.

This agreement, I think, is the best we could get. That is the name of compromise.

I do not think either side is totally happy with the agreement. I am sure the District is not happy with the agreement, and there may be others who think that we should do more.

But what this agreement says is that we recognize that there is a fiscal crisis in the District of Columbia. The Congress is exerting its constitutionally prescribed authority in this area, but we are continuing to honor the premise of home rule. We are saying:

We will not appropriate more than this amount. You decide how you are going to spend it. You decide how you are going to make the cuts that are required to meet this, and if you spend more than we appropriate in this fiscal year, 1995, we will dock you dollar for dollar in the next fiscal appropriation next year if you overspend.

The GAO report showed clearly year after year after year the District has sent up nonbalanced budgets to the Congress. If we are going to continue to have a home-rule agreement with the District of Columbia, they have to honor their portion of the agreement, which is to provide us with a balanced budget. We are continuing our end of the bargain. We are sticking with home rule. But in order for us to do that, they have to give us a balanced budget.

This is going to go back to the Mayor and the council. They have 30 days to respond positively. I hope they will do so.

Mr. BLILEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. I certainly want to thank the chairman of the Appropriations Subcommittee, the gentleman from California [Mr. DIXON]. I want to thank the ranking minority member, the gentleman from New York [Mr. WALSH]. I want to thank the patience of the gentlewoman from the District of Columbia [Ms. NORTON]. This is not something that we enjoy.

But this is a bipartisan agreement, and it does require the District to cut $150 million for next year.

The chairman of the Appropriations Subcommittee, the chairman of our authorizing committee, the gentleman from California [Mr. DIXON], and the gentleman from California [Mr. STARK], realized early on that the District's budget this year was in shambles and, therefore, they called in the General Accounting Office and requested a study. They got the study. We got the report, and the report confirmed our worst fears.

Since that time, the chairman has been patient. He has given the District every opportunity to respond and, to date, they have yet to respond, or if they have, it has not been apparent to this Member.

This amendment does not let the District government continue to spend more money than it takes in. This amendment sends a very strong message to the District government that Congress is concerned about the financial condition of our Nation's Capital.

The bipartisan amendment tells the District government that business as usual is not good enough.

This amendment removes any need for the two motions that I had planned to offer later today.

We urge all Members to support this bipartisan amendment and get on with the business of this Congress.

Mr. Chairman, I think that it is fair to say that no one wants to be in the position we find ourselves in today. I daresay that the chairman of the subcommittee, the gentleman from California, knows better than anyone the inherent problems of the District budget. It is the spotlight he has focused onto the District budget which has cast such a large shadow over this appropriations bill. He and Chairman STARK deserve our thanks for bringing the GAO report to life. Mr. DIXON deserves our admiration for his courage in protecting in the interests we all share in the Nation's Capital.

The ranking member of the District of Columbia Appropriations Subcommittee, Mr. WALSH, also deserves our gratitude. He has demonstrated himself to be a true friend of the District and, at the same time, followed the courage of his convictions. He sees what is ahead and knows what must be done even if it is unpopular.

Anyone who has followed the local news recently knows that the Delegate from the District of Columbia does not want to be in her position. Nevertheless, she will put on a spirited and admirable defense of a budget she knows is not defensible. And, to her great credit, she has not defended the city's failure to act responsibly.

I can assure you that I do not want to be in the position that I am in today. I have helped provide the District with a cash infusion of more than $1 billion over the past few years. Believe me, I do not take any pleasure in saying that despite all of our efforts, the District is still facing a short-term financial crisis which pales in comparison to the long-term crisis dead ahead. District expenditures are growing at twice the rate of revenues and the annual budget deficit will grow to $742 million by the year 2000.

The District of Columbia budget should not be a partisan issue. We all share responsibility for the Nation's Capital. We should not be divided between those who would have us do nothing despite the evidence we have and those of us who fully understand that the day of reckoning is here. The dire consequences of doing nothing far outweigh the modest proposal now being put before us.

Mr. Chairman, some may regard the vote on this amendment as a minor one among the thousands of votes we cast each year which merits no special notice. Such appearances and perceptions are deceiving. This vote is, in fact, a turning point of historical significance. Much of what will happen in the future will spring from this vote.

This vote will in large part shape the relationship between the District and the Congress for the remainder of this century. Clearly, Congress cannot stand idly by and watch the District collapse financially. Do you prefer to simply wait for a massive Federal bailout? Despite all of the other denials, city officials admit that additional Federal resources will be sought. According to the District's most recent cash-flow statement, the District has just recently added another $31 million in Federal grants.

If we do not demand that the District government adhere to necessary fiscal constraints, there is little hope that we will demand any semblance of discipline in the future. Do you prefer that the Federal Government step in and take over large parts of the local government's responsibilities? Do you prefer to tell your constituents that you are willing to increase the Federal payment while spending goes unchecked?

I have been a strong supporter of the District and have worked hard on a bipartisan basis to help this great city. We all share responsibility for the Nation's Capital. But we cannot ignore the reality and the seriousness of the District's financial crisis. We have a fiduciary responsibility to the American taxpayers to ensure that these funds are spent wisely and in accordance with Federal laws.

In passing this amendment, I firmly believe that no other amendments to make reductions will be necessary. This is the toughest amendment possible. Let us pass the Chairman's amendment and send a strong, united message to the city.

I urge all my colleagues to vote for this amendment.

Mr. DORNAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to my colleague, the gentleman from Texas [Mr. BARTON], to see if we can have a colloquy on what legislative course we are going to follow from here to voting.

Mr. BARTON of Texas. Mr. Chairman, I would like to ask the distinguished chairman of the Subcommittee on the District of Columbia if he could answer a question for me at this point in time. I would like to ask the gentleman from California [Mr. DIXON]: The amendment that I have prepared on the Domestic Partnership Act comes at this same point in the bill. Now, as soon as we have the vote on the pending amendment, I am prepared to offer my amendment entitled "No. 1" at this point in the bill.

What does the chairman intend to do at that point in time?

Mr. DIXON. Mr. Chairman, if the gentleman will yield, it is my understanding that it would be subject to a point of order if the gentleman were to raise the issue before the motion to rise. I would ask the Chair to rule on the point of order.

Mr. BARTON of Texas. If I do not offer the amendment at this point in time, assuming that there are no other amendments to the bill, the gentleman would then offer the motion to rise, at which point in time I would rise to attempt to defeat that?

Mr. DIXON. That is correct. It is my understanding there is one further amendment at the desk. After that amendment, assuming it is the last one, I will hope to be recognized for a motion to rise.

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman.

Mr. DORNAN. Mr. Chairman, reclaiming my time, I intend to speak on the amendment offered by the gentleman from Texas [Mr. BARTON] striking the domestic partnership arrangements from the District of Columbia bill, and will use the remainder of my time to try and clarify this.

Now, I have great respect for the gentleman from California [Mr. DIXON], my colleague from California, not only for his legislative skills but also for his intellect and his judgment. We just disagree on certain issues from time to time, most often these very passionate social issues. And I know that he is going to do what he has to do legislatively to try and defeat the Barton amendment, which would bar the District of Columbia from enforcing its domestic partners law.

It puts a great burden on the gentleman from Texas [Mr. BARTON] to get the House to defeat the motion to rise, which would allow the Barton amendment to be offered. I have only seen this happen a few times in my 16 years. When we do defeat the motion to rise it is usually on a ratable vote, or those votes which might either come back to haunt Members or reward them in the next election, which for us, is only 118 days away.

Now, here is what is so peculiar about the domestic partnership law as it stands now.

□ 1430

The wording of the law is so vague that it requires no proof of long-time commitment from two people. Officials need only to rely on the honesty of the registrants. The "partners," so to speak, could live together only a few days and still receive employment, health, and government benefits.

To be eligible, you only have to be friends, 18 years of age, and state in writing you care for one another. So, it is not just homosexuals, who may qualify. Since when does a governmental entity of any kind, particularly one with all the fiscal problems of the District of Columbia, provide benefits to people who merely like one another and cohabitate? Buddies from Vietnam, each one saved the other one's life at different times; two women who went all the way through grade school, through high school and college together, and they sign, "I like this person." They would be eligible.

And so the District of Columbia, with all of its fiscal problems, is going to start paying for things like a roommate's hospital bills? From my historical knowledge, this business of domestic partner benefits started in Seattle where they were trying to give privileged treatment to lesbian and homosexual partners.

But they decided they could not be quite so brazen, they would take too much heat from the voters. To get around that they decided to make any roommate at all, whether in the fire department or the police department, eligible for benefits. This law denigrates marriage and family. It undermines the health care system, and I think it is a harbinger of the nightmare debate we are going to go through before the August district work period.

Here are the facts, to my good friend, Mr. DIXON: In 1992, 235 Members said "no" to benefits for domestic partners when it had a homosexual twist. In 1993, it increased to 251 Members, another clear majority saying "no" to benefits for domestic partners. And now we have to fight for a vote defeating Mr. DIXON's motion to rise, and we will probably get an even bigger vote, given the volatility of this election year, which is only 118 days away. That's because now we are talking about roomies, just plain old roommates getting a free ride from the people who pay taxes to the District of Columbia.

This is madness. Defeat the motion to rise, give Mr. BARTON the chance to offer his amendment. Let us be representatives, let the voters speak here, 118 days before the election. Let us get rid of this domestic partnership nonsense.

Thank you, Mr. Chairman.

Ms. NORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. DIXON. Mr. Chairman, will the gentlewoman yield?

Ms. NORTON. I yield to the distinguished gentleman from California.

Mr. DIXON. I thank the gentlewoman for yielding.

Mr. Chairman, for those Members who are watching this debate on television—and I respect the views of my colleague from California—I just want to remind them that the pending business is the Bliley-Walsh-Dixon compromise amendment and that the vote at this point in time will be on that amendment and not on the domestic partnership issue.

Ms. NORTON. I thank the distinguished chairman for that clarification. I will have something to say about the red-herring Barton domestic partnership amendment at a later point.

I wish to speak to the compromise amendment at this point. I want to express my appreciation for the very hard work, one might say the toil, of Chairman DIXON, ranking member BLILEY, Chairman STARK, and ranking member WALSH.

Chairman DIXON, with whom I have worked very closely, deserves very special and great respect because he has managed to pull no punches during this frightening budget ordeal and at the same time to continue to be the best friend the District has.

What he had desired was tough love; what I am afraid has come about is harsh love. And I mean no oxymoron there.

The alternatives that the chairman faced were, in my opinion, kill the District cutting amendments. I believe the many amendments that would have come on the floor, if accepted, would have sent the District right over the side into insolvency. I know that Chairman DIXON had hoped to focus the District on spending cuts and not to deny the District a single cent of its Federal payment. And he has succeeded in doing just that, miraculously.

Even so, it is very, very difficult for me to support a directive from the Congress to the District to cut its budget in a specific amount. I have, as most Members know—and as I have had to tell even some District residents who have come here to ask me to try to get Congress to overturn District law—I have very firm self-government and home-rule principles that come from simply being an American; but, Mr. Chairman, I am compelled to support this compromise. I support it for three reasons: First, it is not a violation of home rule because the cuts are in spending and must be made by the District and not the Congress. Second, there are no cuts in the Federal payment. If there were, the District would be so cash-short it would, for example, be unable to pay the pension liability that its court order says it should.

Finally, I support it, I suppose, because of the biblical reference, "If your ox be in the mire." Mr. Chairman, the District's ox is in the mire, and this compromise is the only way to get that ox out of the mire and through this House and over to the other body.

The revenue cuts that the budget had attracted were murder, and I mean that literally. Those revenue cuts would have meant that the District could not have made the pension fund payment, that the District would have had little cash and DC has been waiting for the Federal payment because it needs immediate cash.

Whatever cuts the District is going to make, it can make over time, but it needs immediate cash.

Now, the spending cuts should have been initiated by the District. The District was paralyzed, perhaps, because this is an election season. I do not know all of the reasons. But I can tell you this: The $150 million is spending cuts that the District is now obliged to choose and to make is pitted against the number of cuts that this budget had already attracted.

And that figure is $378,611,590. That is the aggregate amount of cuts in amendments that we have tallied up today as opposed to $150 million, which is the harsh cut the District is left with to do in its own way.

May I say, Mr. Chairman, that I never envisioned that the day would come when the District would be compelled to submit to such a compromise and I would have to accept such a compromise. I followed Chairman DIXON every step of the way; we have consulted, we have labored, we have tried every single option. I know well, after going through that ordeal, that it is either this compromise or we risk greater sacrifice. And I emphasize: getting no appropriation at all.

The CHAIRMAN. The time of the gentlewoman from the District of Columbia [Ms. NORTON] has expired.

(On request of Mr. DIXON and by unanimous consent, Ms. NORTON was allowed to proceed for 2 additional minutes.)

Ms. NORTON. I thank the gentleman.

Mr. Chairman, there were three kinds of amendments. There were very specific amendments to make cuts, they were legion. There was an amendment to cut the Federal payment, which would have left the city even further cash-starved. And then there were simply punitive amendments that had little to do with the fiscal condition of the city.

Mr. Chairman, this is the saddest day I have spent in the House.

Now, it is inherently difficult to represent the District in this Congress, because everybody else gets into your business. But I regard that as a challenge, not as a cause for sadness. Today I am sad because of what the chairman has had to accept. The only person who knows how sad I am is Chairman DIXON himself, because he has fought the good fight for the District for 14 years; it is only my 4th.

The chairman has never lost a battle, and he has not lost the battle this year. He has given up more on the battlefield than he should have had to give, but he has saved the Federal payment.

The fiscal crisis of the District is at the root of all we do today.

□ 1440

This is a crisis not unlike the one I found when I came to Congress, when the gentleman from California [Mr. DIXON] in one important miracle got $100 million for the city, then another 200 million. I want to thank my colleagues for the bipartisanship of 1991. I want to say to them that I will work with the city and with my colleagues so that we can return to the bipartisanship of 1991, which is support for the Nation's Capital, and move from the bipartisanship of 1994, where both parties have gotten together to mandate cuts in spending. I regret that it is the best we could do, but at least the District will have its full appropriation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. DIXON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICHARDSON: Page 4, line 3, insert before the period the following: ": *Provided further*, That the Mayor shall expend $200,000 of this appropriation for the D.C. Schools Project for intensive intervention and youth development initiatives for high risk Hispanic teenagers".

Mr. DIXON. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from New Mexico [Mr. RICHARDSON] for 5 minutes in support of his amendment.

Mr. RICHARDSON. Mr. Chairman, the purpose of this amendment is to force the Mayor of the District to expend $200,000 of this appropriations bill for the D.C. schools project.

Mr. Chairman, an increasing number of Hispanics are becoming involved in gangs and illegal or dangerous activities in the District, and this project is going to use the money for intensive intervention and youth development initiatives for high-risk Hispanic teenagers. Hispanic youth will then be able to learn about alternative opportunities to crime and become conscientious and concerned citizens within the District of Columbia.

Mr. Chairman, the root of the problem is that Hispanic issues within the District of Columbia continue to receive little support from the Mayor. Let me say that the chairman of the Committee on the District of Columbia and the delegate for the District of Columbia [Ms. NORTON] in my judgment have done outstanding work, not just with their own communities, but with the Hispanic community, so my criticism is mainly at the Mayor and the Mayor's office, and I want to take this moment to send a strong message to the Mayor and her administration to fund more Hispanic projects.

Mr. Chairman, I have long felt that the D.C. officials do not do enough for Hispanics. That is the bottom line as to why I am offering this amendment. Sometimes their insensitivity to Hispanic issues must be confronted, and I regret to say that I cannot any longer be silent about this issue.

I also want to express my resentment and disappointment with the manner in which D.C. officials responded to my efforts at funding a project which assists Hispanic youth. Instead of supporting my efforts and asking Congress for more money to help a Hispanic program, I was criticized for attempting to cut other programs in other parts of their budget, in particular the Office of Latino Affairs, and the Federal and congressional offices completely misunderstood my attempt in offering this amendment in assisting Hispanics in this district and inappropriately stated that my project was detrimental to the District of Columbia. In short, the responses of officials from the District were condescending and, in my judgment, inappropriate.

So, at this time I would like to respectfully ask the distinguished chairman, who, as I mentioned, is enormously sensitive to Hispanic issues in the District, to engage with me in a colloquy.

Mr. Chairman, does the Mayor of the District of Columbia have the power to modify the funding in her budget to support Hispanic projects in the District?

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from California.

Mr. DIXON. Yes, the Mayor has the power to modify the funds in the District of Columbia budget to fund more Hispanic programs.

Mr. RICHARDSON. Mr. Chairman, although Hispanics are considered to be the fastest growing minority in the United States, does the gentleman agree that Hispanic programs continue to receive a disproportionate lack of support from the Mayor of the District of Columbia?

Mr. DIXON. Yes. In my opinion, the Mayor could indeed extend more support to programs within the District of Columbia that focus on assisting Hispanics, and I would further point out that, in my opinion, the recommendations of the U.S. Civil Rights Commission as published in the January 1993 report entitled "Racial and Ethnic Tensions in American Communities", would substantiate your statement.

Mr. RICHARDSON. Mr. Chairman, I appreciate the time the gentleman has allowed me to express my concerns for the lack of support for Hispanic programs by the Mayor. In short, I am going to continue to work with the Congressional Hispanic Caucus, and the Congressional Black Caucus. We are going to be asking the mayor to come and explain some of the Hispanic programs in the District.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] is withdrawn.

The CHAIRMAN. The Clerk will read the last two lines of the bill.

The Clerk read as follows:

This title may be cited as the "District of Columbia Supplemental Appropriations and Rescissions Act, 1994".

Mr. DIXON. Mr. Chairman, I move that the Committee do now rise.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. BARTON] for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I had been prepared to offer an amendment to the bill that would have prevented any funds in this bill from being expended to implement the Domestic Partnership Act that the District of Columbia passed on April 15, 1992. The amendment that I was prepared to offer is identical to an amendment that was offered and accepted last year by the gentleman from Oklahoma [Mr. ISTOOK] and the year before that by the gentleman from Texas [Mr. DELAY]. Evidently, Mr. Chairman, in the last 2 previous years points of order could have been placed against the same amendment, but they were not. This year the chairman has indicated earlier that he would make such a point of order.

I want to explain the point of order. Under the appropriation bills, Mr. Chairman, one can offer a specific cutting amendment to specific items in the bill. Since in the last 2 years the Congress has gone on record specifically not to allow any money to be spent to implement the Domestic Partnership Act in the District of Columbia, as passed, there has been no money spent. So, the language that I had and which is identical to that of the gentleman from Oklahoma [Mr. ISTOOK] and the gentleman from Texas [Mr. DELAY] simply says no funds made available. Evidently that point of order could be raised against that.

So, I want everybody to be perfectly clear on this motion to rise. This is not a procedural vote. It is a substantive vote. We have sent out extensive materials around the country, both in writing and through the audio and video media, that the motion to rise that the gentleman from California [Mr. DIXON] is preparing to offer is going to be rated as a substantive vote. Senator LOTT, a distinguished Senator from the other body from the great State of Mississippi, has indicated to me that he is going to offer this amendment in the Senate.

So, this issue is not going to go away. If in fact we are successful in defeating the motion to rise, I will offer the amendment, and I am confident that it will be passed. The reason it is important to defeat the motion to rise is because, as I indicated earlier, the definition of family in this ordinance that the District of Columbia has passed is not a definition of family that one is going to find in the dictionary. It is not a definition of family that deals with brothers, and sisters, and aunts, and uncles, and fathers, and mothers, and cousins, and nephews. It is simply any two people that are 18 years old who happen to live in the same building, the same domicile, can go down and certify to the Mayor of the District of Columbia that they are a family. Now, if they change their mind, every 6 months they can submit a written certification that they are no longer a family and can have a different family.

This goes directly against the institution of marriage, it goes directly against any widely accepted definition of what a family ought to be. It has tremendous consequences. It could cost anywhere from $1 million, which is a low estimate that I have been able to obtain, up to as much as $40 million a year if it were to actually be implemented.

So, I would strongly recommend that we defeat this motion to rise, allow me to offer the amendment, and then have a vote on the amendment.

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□ 1450

Mr. STERNS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the actions by my friend, the gentleman from Texas [Mr. BARTON]. The motion to rise should be defeated to reaffirm what this House has done in previous years, which is to eliminate funding for the Domestic Partnership Act. This action seeks to put back into the bill the language the House passed last year which simply states that "no funds shall be used" to enact the Domestic Partnership Act.

It seems incredible that at a time when the District of Columbia has once again shown its inability to put its fiscal affairs in order, this act would expand their budgetary responsibilities. If the District cannot meet its obligations now, then why expand them?

This amendment inserts what is missing in this bill, a fiscally responsible message that expanding the District's budgetary obligations into unsound social policies is not what the City Council or Mayor should be concentrating on. The American taxpayer is subsidizing a growing city deficit and shouldn't be asked to accept responsibility for more, when this body has the ability to at least slow it down.

Common sense, if anything at all, tells us that this domestic partners law is not a responsible plan for expanding access to health care in the District of Columbia. Besides giving health benefits and sick leave to both heterosexual and homosexual couples who merely state they are in a mutually caring relationship this law gives the appearance that the Congress endorses such behavior. This act is nothing more than a revolving door for people who do not wish to enter into marriage but still want to receive all the legal and social perks of the institution. Passage of this bill would mean that a domestic partner merely has to go downtown, fill out a government form stating that they are domestic partners, share a street address, and you now are entitled to health benefits if your friend works for the District.

Other cities across this Nation have followed Congress' lead of last year and vetoed or rescinded domestic partnership laws. If the rest of the country is waking up to this social experiment at taxpayers expense and saying, "no more," Congress should do the same.

Ms. NORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, you will note that even given the contentiousness that has surrounded this budget year, this is the first amendment to be offered that was not a bipartisan amendment. I ask my colleagues not to dissolve the bipartisan spirit that we have embraced, some of us very reluctantly. Earlier I called the Barton anti-domestic partnership amendment a red herring amendment. Mr. Chairman, that is a polite word for it. My colleagues, this is a sucker amendment. It is designed to make people put themselves on record on homosexual marriage, that has nothing to do with the domestic partnership law. If you look at some of the "Dear Colleagues" that have been handed out, you will see that.

Now, I do not know about the district of the gentleman from Texas [Mr. BARTON], but let me tell you about my district, sir. The law's chief effect in my district is on extended families.

The typical beneficiary would be two working single mothers living in the same household, and one is a DC employee, and the other works for some hotel downtown that is nonunionized and has no health benefits. She can get on the health benefit plan of the women in the house with whom she lives.

Moreover, it is absolutely false that there is a single dollar of taxpayer funds involved here. This health benefit must be paid 100 percent by the recipient of the benefit.

Now, this has been framed as an amendment that is outside of the family tradition, that supports heterosexual and homosexual, illicit, relationships. If that is the case, my friend, why is it then supported by the National Council of Senior Citizens? Why is it then supported by the District of Columbia Nurses Association? Why is it then supported by the Gray Panthers? Why is it then supported by the Concerned Clergy of the District of Columbia? Why is it then supported by Church Women United? Are they accustomed to supporting illicit relationships?

Shame on you. Take it back. Members, do not be used by a Member who has a personal political ax to grind involving his district. The gentleman from Texas [Mr. BARTON] represents part of Dallas County. They had a big brouhaha down there about domestic partnership, a different kind of domestic partnership. But leave that stuff in Texas, and let my constituents rule themselves in the name of democracy.

The gentleman from Texas [Mr. BARTON] may be running on homosexual marriage, but few of the rest of us in this House are. I ask you, my colleagues, do not get suckered into a vote on a local issue that has been mischaracterized to the benefit of those who want to make you go on the line and cast your vote on a controversial vote. Vote for the Dixon motion to rise.

Mr. ISTOOK. Mr. Chairman, I move to strike the requisite number of words.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I would like the distinguished gentlewoman from the District of Columbia [Ms. NORTON] to answer a question for me, if she would.

First let me say that I have the greatest respect. I think as you said yourself, you have a difficult job in representing the District of Columbia, and you have done an excellent job. There is absolutely no personal animosity or political partisanship in me offering this amendment.

I would simply ask you the question, that if you actually look at the law itself, or the city ordinance itself, it is very specific in section 2, subparagraph C, that these domestic partners not be married. I mean, that is the plain language of the law.

Then if you go on down later on page 1, subsection 2, subparagraph 7, subparagraph B, a family member can be, as defined by this, any unmarried person, regardless of age, who is incapable of self support because of a mental or physical disability that existed before age 22.

Now, I do not believe that I am being partisan or action grinding at all to say that that does not meet any definition I am comfortable with as a family.

Would the distinguished gentlewoman like to respond to that?

Ms. NORTON. Mr. Chairman, if the gentleman will yield, I want to say to the gentleman, I recognize that the gentleman does not submit his amendment in any personal animosity to the District. My passion has to do with my concern that my constituents have the right to have a domestic partnership law if they desire, just as yours have recently voted to, in their democratic right, take back a domestic partnership law.

Let me respond to the reason that the law says the people must be unmarried. The reason is that if they are already married, they are automatically entitled to share.

Mr. BARTON of Texas. Exactly.

Ms. NORTON. If I could just finish, if they are not, even though they are living as a family, they may well not be entitled to the same rights.

□ 1500

For example, my son just graduated from college. Therefore, he is off of my insurance, my health insurance. If I were a District employee, he could get back on my health insurance because he is living in the same house with me.

Typically in my district, where single households predominate, we have low-income working women. One of them may be a District employee. She has access to a group plan. Someone who has no plan ought to be able to come on.

Therefore, they are living as a family. And in my community people live in extended families. I would like them to be able to take advantage of this law.

(On request of Mr. BARTON of Texas, and by unanimous consent, Mr. ISTOOK

was allowed to proceed for 5 additional minutes.)

Mr. ISTOOK. Mr. Chairman, we will have to vote upon this issue of the domestic partners law of the District of Columbia. On the motion to rise, we have the opportunity to vote, and I can guarantee that this is going to come back. And nobody is going to be able to escape a vote by voting for the motion to rise. Because when this bill comes back from the Senate, they are going to do the same thing that they did last year. They are going to assure that the prohibition against spending money to implement this domestic partners law is in this piece of legislation. And then it can come back on a motion to instruct conferees.

Look at the history of this. Two years ago we had a vote in this House on a motion to instruct conferees. I would remind all concerned, especially anyone who contends that this is not bipartisan, 2 years ago 235 Members of this House, Democrats and Republicans alike, voted for the very language that the gentleman from Texas [Mr. BARTON], is promoting today. It passed by 235 to 173.

Last year, in this bill, this same language passed by a vote of 253 to 167, an even stronger vote than the year before.

When this bill got over to the Senate last year, the subcommittee took the language out, and they put it right back in on the Senate floor. And they will do the same thing again this year. And we will still have to vote.

If Members want inconsistent votes on their records, if they want people to say, my goodness, you voted against the motion to rise and, therefore, you voted to permit funding of homosexual marriages and domestic partners in the District of Columbia, then vote against the motion to rise and Members will have inconsistent records on their votes. And they will properly be attacked for it.

If Members vote for the amendment, then vote against the motion to rise. And the vote ought to be along the same lines as last year. This should prevail in a bipartisan vote. We cannot escape our obligation. The Home Rule Charter of the District of Columbia, in section 601, keeps the authority with this Congress, not with the City Council of the District of Columbia, not with the local government, but with this Congress over the exactments of the District.

Article 1, section 8, clause 17 of the U.S. Constitution gives us exclusive power over legislation in all cases whatsoever involving the District of Columbia.

We cannot escape our obligation, and I am really amazed to hear a contention that this has nothing to do with homosexual marriage.

I used to work in a meat plant. I know baloney when I see it or when I smell it and when I hear it. And we have had some baloney on that. I have been on local talk shows having carried this amendment last year. Who was it that was on there to be the advocates for this? It was the gay and lesbian alliances and caucuses, because they want this because it is their effort to have homosexual marriage legalized in any part of the country that they can get it legalized in.

Read the Washington Blade, the newspaper of the homosexual community in this area. Members will find that they promote it. Claiming that this is just so people can pretend to be a family and adopt a legal fiction to try to deceive an insurance company about who is qualified for family coverage is nonsense. Are we going to pass a law just so that we can help people try to pull the wool over the eyes of an insurance company about who is a family and who is not a family? Why not declare the whole District one big happy family then? Let everybody be covered under one person's family policy?

The real issue here is the American family. Do we believe that a family is a unit that begins with a husband and a wife and expands from there and it goes into children and into multiple generations and the aunts and uncles. It is a relationship that is born of marriage, and it is a heterosexual marriage relationship. This is about undercutting the institution of marriage.

If Members want to undercut marriage, vote to rise and cut off the amendment. If Members want to vote for the family, vote not to rise so that we can pass the Barton amendment as we have in the last 2 years.

I offered this amendment in subcommittee this year. I made an offer. I said, let us put it in subcommittee so we do not have to fight it out on the floor. Members do not have to have a vote on the record. Members were not willing to do that. So we are here, we are fighting it out on the floor. But do not be deceived what this is about. This is a vote about the families of the United States. Vote for the family. Vote against the motion to rise.

Mr. DIXON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill, as amended, do pass.

The CHAIRMAN. The question is on the motion offered by the gentleman from California [Mr. DIXON].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BARTON of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 236, not voting 11, as follows:

[Roll No. 320]

AYES—192

Abercrombie	Furse	Neal (NC)
Ackerman	Gejdenson	Norton (DC)
Andrews (ME)	Gephardt	Oberstar
Andrews (NJ)	Gibbons	Olver
Andrews (TX)	Glickman	Owens
Applegate	Gonzalez	Pallone
Bacchus (FL)	Green	Pastor
Baesler	Gutierrez	Payne (NJ)
Barcia	Hamburg	Pelosi
Barlow	Harman	Peterson (FL)
Becerra	Hastings	Pickle
Beilenson	Hefner	Pomeroy
Berman	Hilliard	Price (NC)
Bevill	Hinchey	Rangel
Bilbray	Hoagland	Reed
Blackwell	Hochbrueckner	Reynolds
Blute	Hoyer	Richardson
Bonior	Hughes	Roemer
Borski	Jacobs	Romero-Barcelo (PR)
Brooks	Jefferson	Rose
Brown (CA)	Johnson (CT)	Rostenkowski
Brown (FL)	Johnson, E.B.	Roybal-Allard
Brown (OH)	Johnston	Rush
Bryant	Kanjorski	Sabo
Byrne	Kennedy	Sanders
Cantwell	Kennelly	Sawyer
Cardin	Kildee	Schenk
Carr	Klein	Schroeder
Clay	Kopetski	Schumer
Clayton	Kreidler	Scott
Clyburn	Lambert	Serrano
Coleman	Lantos	Sharp
Collins (IL)	LaRocco	Shepherd
Collins (MI)	Lazio	Skaggs
Conyers	Lehman	Slaughter
Coppersmith	Levin	Smith (IA)
Coyne	Lewis (GA)	Stark
de Lugo (VI)	Long	Stokes
DeFazio	Lowey	Strickland
DeLauro	Maloney	Studds
Dellums	Mann	Stupak
Derrick	Manton	Swift
Deutsch	Margolies-Mezvinsky	Synar
Dicks	Markey	Thompson
Dingell	Martinez	Thornton
Dixon	Matsui	Thurman
Dooley	McCloskey	Torres
Durbin	McDermott	Torricelli
Edwards (CA)	McKinney	Towns
Engel	Meehan	Traficant
English	Meek	Underwood (GU)
Eshoo	Menendez	Unsoeld
Evans	Mfume	Velazquez
Faleomavaega (AS)	Miller (CA)	Vento
Farr	Mineta	Visclosky
Fazio	Mink	Washington
Fields (LA)	Moakley	Waters
Filner	Mollohan	Watt
Fingerhut	Moran	Waxman
Flake	Morella	Wheat
Foglietta	Murphy	Woolsey
Ford (MI)	Murtha	Wyden
Ford (TN)	Nadler	Wynn
Frank (MA)	Neal (MA)	Yates

NOES—236

Allard	Buyer	Diaz-Balart
Archer	Callahan	Dickey
Armey	Calvert	Doolittle
Bachus (AL)	Camp	Dornan
Baker (CA)	Canady	Dreier
Baker (LA)	Castle	Duncan
Ballenger	Chapman	Dunn
Barca	Clement	Edwards (TX)
Barrett (NE)	Clinger	Ehlers
Barrett (WI)	Coble	Emerson
Bartlett	Collins (GA)	Everett
Barton	Combest	Ewing
Bateman	Condit	Fawell
Bentley	Cooper	Fields (TX)
Bereuter	Costello	Fish
Bilirakis	Cox	Fowler
Bliley	Cramer	Franks (CT)
Boehlert	Crane	Franks (NJ)
Boehner	Crapo	Frost
Bonilla	Cunningham	Gallegly
Boucher	Danner	Gekas
Brewster	Darden	Geren
Browder	de la Garza	Gilchrest
Bunning	Deal	Gillmor
Burton	DeLay	Gilman

Gingrich	Linder	Roukema
Goodlatte	Lipinski	Royce
Goodling	Livingston	Sangmeister
Gordon	Lloyd	Santorum
Goss	Lucas	Sarpalius
Grams	Machtley	Saxton
Grandy	Manzullo	Schaefer
Greenwood	Mazzoli	Schiff
Gunderson	McCandless	Sensenbrenner
Hall (OH)	McCollum	Shaw
Hall (TX)	McHale	Shays
Hamilton	McHugh	Shuster
Hancock	McInnis	Sisisky
Hansen	McKeon	Skeen
Hastert	McMillan	Skelton
Hayes	McNulty	Smith (MI)
Hefley	Meyers	Smith (NJ)
Herger	Mica	Smith (OR)
Hobson	Michel	Smith (TX)
Hoekstra	Miller (FL)	Snowe
Hoke	Minge	Solomon
Holden	Molinari	Spence
Horn	Montgomery	Spratt
Houghton	Moorhead	Stearns
Hunter	Myers	Stenholm
Hutchinson	Nussle	Stump
Hutto	Ortiz	Sundquist
Hyde	Orton	Swett
Inglis	Oxley	Talent
Inhofe	Packard	Tanner
Inslee	Parker	Tauzin
Istook	Paxon	Taylor (MS)
Johnson (GA)	Payne (VA)	Taylor (NC)
Johnson (SD)	Penny	Tejeda
Johnson, Sam	Peterson (MN)	Thomas (CA)
Kaptur	Petri	Thomas (WY)
Kasich	Pickett	Torkildsen
Kim	Pombo	Tucker
King	Porter	Upton
Kingston	Portman	Valentine
Kleczka	Poshard	Volkmer
Klink	Pryce (OH)	Vucanovich
Klug	Quillen	Walker
Knollenberg	Quinn	Walsh
Kolbe	Rahall	Weldon
Kyl	Ramstad	Williams
LaFalce	Ravenel	Wilson
Lancaster	Regula	Wise
Leach	Ridge	Wolf
Levy	Roberts	Young (AK)
Lewis (CA)	Rogers	Young (FL)
Lewis (FL)	Rohrabacher	Zeliff
Lewis (KY)	Ros-Lehtinen	Zimmer
Lightfoot	Roth	

NOT VOTING—11

Bishop	McCrery	Rowland
Gallo	McCurdy	Slattery
Huffington	McDade	Whitten
Laughlin	Obey	

□ 1527

Messrs. WILLIAMS, ROBERTS, EDWARDS of Texas, DE LA GARZA, ORTIZ, CHAPMAN, and SPRATT changed their vote from "aye" to "no."

Messrs. KENNEDY, HEFNER, BEVILL, and POMEROY changed their vote from "no" to "aye."

So the motion to rise and report was rejected.

The result of the vote was announced as above recorded.

□ 1530

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 33, after line 24, insert the following new section:

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 138. SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each agency of the Federal or District of Columbia government, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this is a Buy American amendment. It was placed on all other 12 appropriation bills. It is not being contested.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I am happy to yield to the gentleman from California.

Mr. DIXON. Mr. Chairman, I am pleased to accept the gentleman's amendment. I have no problem with it.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I am happy to yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, we have no objection to this amendment.

Mr. TRAFICANT. Mr. Chairman, I would ask that the Committee as a whole approve the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTON of Texas: Page 33, after line 24, insert the following new section:

SEC. 138. No funds made available pursuant to any provision of this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, or heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this Act otherwise be used to implement or enforce D.C. Act 9-188, signed by the Mayor of the District of Columbia on April 15, 1992.

Mr. BARTON of Texas. Mr. Chairman, first, let me thank all of my colleagues who voted to defeat the motion to rise so that I could offer this amendment.

Mr. DIXON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. BARTON] is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I do not think we need to have a lengthy debate on this. Simply put, this is the identical amendment that was the Istook amendment last year and the DeLay amendment 2 years ago. It is identical to the amendment that Senator LOTT has attached.

Once again, I do not think there needs to be an extensive debate. This language is identical to language voted on last year and the year before. It simply says that no funds made available pursuant to this appropriation bill can be used to implement or enforce the District of Columbia's Domestic Partnership Act.

I would ask there be a "yes" vote on the amendment, and I will at the appropriate time ask for a recorded vote.

Mr. Chairman, I would at this point in time either reserve the balance of my time or yield it back, depending on the parliamentary situation.

The CHAIRMAN. The gentleman must do either. It is totally the choice of the gentleman.

Mr. BARTON of Texas. I reserve the balance of my time.

The CHAIRMAN. The gentleman realizes he was recognized for 5 minutes on his amendment?

Mr. BARTON of Texas. Right. I do not think, Mr. Chairman, that we need to have an extensive debate though. I think Members know the issue. We have defeated the motion to rise. We discussed the issue before we defeated the motion to rise. I would ask for a "yes" vote on the Barton amendment.

The CHAIRMAN. Does the gentleman yield back the balance of his time?

Mr. BARTON of Texas. I reserve the balance of my time.

The CHAIRMAN. The gentleman cannot reserve, because he was recognized for 5 minutes under the general 5-minute rule.

Mr. BARTON of Texas. Then I would yield back the balance of my time, Mr. Chairman.

The CHAIRMAN. The gentleman yields back the balance of his time.

Mr. DIXON. Mr. Chairman, as I understand the situation based on my unanimous-consent request, 15 minutes was allotted to me as opponent of the amendment, and 15 minutes was allotted to the gentleman from Texas [Mr. BARTON]. Is that correct?

The CHAIRMAN. The Chair did not hear that in the request.

Mr. DIXON. Mr. Chairman, I ask unanimous consent that that request be granted.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WALSH. Mr. Chairman, would the Chair clarify the procedure once more, please, how the time is divided, and who controls?

The CHAIRMAN. It was that there be 30 minutes of additional debate time on

this amendment, not to exceed that. Then there was a further proposal that the debate time be equally divided, 15 minutes on each side.

Mr. WALSH. Between the proponent and opponent, and the gentleman from Texas [Mr. BARTON] would control 15 minutes for the proponent?

The CHAIRMAN. That is correct. The gentleman from California [Mr. DIXON] stands in opposition and would control the other 15 minutes.

AMENDMENT OFFERED BY MR. DIXON TO THE AMENDMENT OFFERED BY MR. BARTON OF TEXAS

Mr. DIXON. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. DIXON to the amendment offered by Mr. BARTON of Texas: Insert the word "Federal" after the word "No" and before the word "funds".

Mr. DIXON. I yield myself 1 minute.

Mr. Chairman, the Representative from the District of Columbia was absolutely correct when she said this is a local matter, and my amendment inserts the word "Federal," thereby prohibiting the use of Federal funds to implement the Domestic Partners' Act.

We are not the city council. We could not do this in any other jurisdiction. I think it is only appropriate, if we do it at all, to say that the Federal money not be used for this purpose.

The CHAIRMAN. Does the gentleman yield back the balance of his time?

Mr. DIXON. No. I reserve the balance of my time, Mr. Chairman.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I must oppose the perfecting amendment. It is simply a subterfuge. If you allow the addition of the word "Federal" you are simply giving the District of Columbia the opportunity to shuffle funds around.

Again, I reiterate, the amendment, the original Barton amendment before the perfecting amendment of the gentleman from California [Mr. DIXON], is identical to language adopted last year and the year before in this body and also the other body.

I would strongly oppose the Dixon amendment and ask for a "no" vote on that amendment.

Mr. Chairman, I reserve the balance of my time

□ 1540

Mr. DIXON. Mr. Chairman, I yield 6 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I must say that I do not have a very high expectation that I am going to get a lot of courtesy today, but the debate should go forward.

I was about to ask a parliamentary inquiry because I was wondering whether logic would be allowed in this debate. I am assuming it will be allowed, but not highly valued, because the argument, somehow, put forward is that families are being undermined by what the District of Columbia did. And even by the somewhat strained logical standards I am prepared to apply from time to time in this House, I cannot understand how that is supposed to work.

What the District of Columbia has said is if two people who are living together want to register as domestic partners, they can do so. And we are told that this will undermine the family.

Now, many of the people who will be taking advantage of this, as the gentlewoman from Washington has pointed out, will be people who are in no particular loving relationship of a sexual sort. But what has clearly roiled some of the Members here is that some of the people who will take advantage of this will be gay or lesbian couples, and that, I gather, is how this is supposed to undermine the family.

Mr. Chairman, I have to tell you that I do not understand for the life of me how the fact that I will go home tonight and have dinner with Herb undermines anybody else's family. I do not begin to understand the logic.

I understand there are people who are so motivated by anger toward others that they are resentful that other people might find some happiness, and they consider it their mission in life to interfere with the happiness of others solely for that purpose.

But to argue that this somehow undermines their families has no logical basis. The only thing I can think of is that they were very impressed at an early age by the V–8 commercial. You remember the V–8 commercial. You remember the commercial where the guy is drinking a tomato juice, drinking stringbean juice, and he is drinking whatever else, and then someone gives him a V–8 and he says, "By God, I could have had a V–8." Apparently, the analogs are happily married heterosexuals all over Washington, DC, indeed all over America, and they learned that in Washington, DC, Herb and I could register as domestic partners, and these happily married people say, "God, I could have married a guy."

I mean are we really the V–8 of America? Is the attractive power of the way I live my life so great that you fear that happily married couples will somehow dissolve their bonds, ignore their children, and come knock at our doors? That is, of course, nonsense, even by the standards that some of the nonsense purveyors of this place specialize in. And it makes it very clear we are not talking about undermining a family.

No one thinks that the recognition by the District of Columbia of the right of two men who love each other or two women who love each other to try to be responsible and share each other's lives responsibly, that that undermines anybody's family. It does not undermine my family or Herb's family. We coexist very happily with our family.

But I do not understand the logic. What is it about the fact that a couple of people have found happiness that so offends you?

What is it that drives you to try to make political capital by inflicting misery on other people? What is it that says we have a duty to interfere with the lives of others? The gentleman from California made a reasonable proposal. The gentleman from California's proposal says, "All right, there will not be any Federal money."

And by the way, I hope no one will tell me under oath that they are doing this to save money, because we are going to have a U.S. attorney in here making an arrest. No one thinks this is about money. This is about anger at other people's way of living, with this phony argument that somehow it is going to undermine the family.

What we are talking about is an amendment by the gentleman from California that says, "OK, no Federal money." Let the District of Columbia make its own decisions. And what we have is a majority of Members, apparently, that they hope are going to say "no," the District of Columbia cannot recognize that two men or two women might find comfort in each other and might want to share each other's lives and we are so offended by that that we are going to ban it, we are going to prevent it, we are going to forbid it, under some pretext.

And again, I would be delighted if someone later in this debate would explain to me how that undermines the family. How does it destroy the family? If it is not the power of attraction, what is it? What is it that would take a happy marriage between a man and a woman, and as a matter of fact, by the way, the attractive power of this particular V–8 must be extraordinary because no one is talking about anything that meets the benefits of marriage. We are not talking about the tax benefits of marriage, we are not talking about a whole range of other things married couples can do. We are talking about some minimalist situation in which people might be able to grant health benefits together.

Let us be very clear what we are talking about. We are talking about a combination of some people whose primary motivation is dislike, to the point of irrationality, of other human beings and who have decided to use the elevated position of a Member of the greatest legislative body in the world and the greatest democracy in the world—and I mean to include the Senate in that comparison—these are people who want to use that elevated position simply to make some other people's lives miserable because they do not approve of their lives. That is what we are talking about.

This is an effort to impose a punishment on other people. This is not a case about money, and there is not even a rational beginning about how we offend families.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 1 additional minute).

Mr. FRANK of Massachusetts. Mr. Chairman, I thought the gentleman was going to explain how this happens. Let me then say, in conclusion, to my colleagues: I understand the political problems. I understand that many of these gentlemen know what the right thing to do is, but fear politically what will happen to them if they do it. That is a fact of life.

I do not counsel political suicide, but I would ask my colleagues on both sides: Think about it. Barry Goldwater today wrote a column in the Washington Post which was an excellent argument. There were people who said, "Well, we are not for discriminating, but we going to make an exception for the military." Barry Goldwater has asked people, this genuinely honest conservative who believes in the right of individuals to be left alone, Barry Goldwater has set it down. Let me say to my colleagues, particularly to some of my colleagues on this side: I believe that most of them, not all of them but for most of them, "In your heart you know he is right. Why don't you do the right thing?"

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

The Chair will advise those Members controlling the debate time that the gentleman from Texas [Mr. BARTON] has 14 minutes remaining and the gentleman from California [Mr. DIXON] has 7 minutes remaining and reserves the right, under the rule, to close debate.

The Chair recognizes the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would ask for the same attention to my remarks that has just been given to the distinguished Representative from Massachusetts.

The CHAIRMAN. The Chair will advise the Member, as he did in making the remarks, that every Member seeking recognition will be granted the full courtesy of this body; otherwise the Chair will not proceed.

□ 1550

Mr. BARTON of Texas. Let me simply say, Mr. Chairman, that the Barton amendment is not about anger, it is not about preventing consenting adults from finding happiness. If any two individuals in the District of Columbia, or anywhere in this great country of ours, wished to engage in some sort of a relationship, I have absolutely no problem with that. What this amendment is about, though, is preventing a definition of "family" going on the books in the District of Columbia that is not in congruence with any definition of "family" that has historically been recognized in our society.

I think it may be, again, in order to read some of the definitions from the actual ordinance. First, the title, Health Care Benefits Expansion Act, Expansion Act, of 1992, and then, when we get down to where it does define "family" it says a family member means a domestic partner, which has already been defined as anybody who is at least 18 years old and living in the same domicile. It goes on to say that a family member can also be any unmarried person regardless of age who is incapable of self-support because of a mental or physical disability, and, as we all know, a mental disability can be diagnosed in a very broad way.

I think it is also appropriate to understand that under the Constitution of this great Nation we have what is called a reciprocity agreement between the States, and, although the District of Columbia is not a State under the terms of reciprocity agreements, the local ordinances sometimes have the effect of State law, and, if we were to allow this Health Care Benefits Extension Act to actually be implemented, it is at least arguable that people could come from all over the Nation, register their domestic partnership in the District, go back to their home State and demand reciprocity. I am not saying that that would happen; I am saying that it could happen.

I would also remind the great Members of this body that we are suspending reality to say that there is no organized effort to have some of these domestic partnership agreements recognized somewhere in the country and that there is an organized effort to do that. There is simply no reason to do that here in the District of Columbia, and again——

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. First, the reciprocity would apply if they had domestic partnerships in other States, but no one has ever argued that a domestic partnership, not marriage, but a domestic partnership, would give them any reciprocal rights in any other States.

Second, I would like to ask the gentleman, because he put out literature which said, if the District of Columbia does this, it undermines the family; so, would he explain to me how it undermines the family? Does he mean that the power of attraction of this in the District of Columbia would lead other people to abandon their marriages or decide not to get married in the first place? What does the gentleman mean when he said, not that it would change the definition, but what did he mean when he said it would undermine the family?

Mr. BARTON of Texas. There is a definition of "family" in this act that is not in congruence with any definition of——

Mr. FRANK of Massachusetts. How does it undermine other families?

Mr. BARTON of Texas. Mr. Chairman, I say to the gentleman, "It's my time," and I would also point out that there is no residency requirement in this ordinance. People from anywhere in the Nation could come over here, could come to the District of Columbia, and register their partnerships.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman from Texas [Mr. BARTON] for yielding to me.

The CHAIRMAN. The gentlemen will suspend for just a moment.

Mr. BARTON of Texas. Mr. Chairman, I think we should have a debate if the gentleman from Massachusetts wants to have a debate.

The CHAIRMAN. The Chair will certainly allow for that.

The time is controlled by the gentleman from Texas [Mr. BARTON]. He may yield it and reclaim it at will.

Mr. BARTON of Texas. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I want to repeat that I believe the reciprocity argument has no validity, that no one would claim reciprocity or be granted it, no lawyer would find it, in this simple limited health benefits thing, but the more important point is, yes, the gentleman has said that this is a different type of family, et cetera.

By the way, I would be willing to strike the word "family" and tell them to give the exact same thing, but do not call it family. I do not think that would solve the gentleman's problem, but I also want to understand how does this undermine families.

I would understand the English language to mean, when one says that this undermines families, that it means it is a problem for other families, that other than those people who voluntarily choose to do this, this somehow would undercut the likelihood or ability of other people to form families of husband, and wife, and children, and I do not understand how I am undermining anybody else's family if I decided to register as a domestic partnership.

Mr. BARTON of Texas. I think very strongly, Mr. Chairman, that if the gentleman allows a definition of family to go on the books in the District of Columbia, it certainly, arguably, could be used in other legal proceedings to

totally change the definition of family, and I do not think that is necessary.

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I think first we need to remember what we are on is an amendment to the Barton amendment. The gentleman from California [Mr. DIXON] has said, rather than saying that no money can be used since all of the District of Columbia's money has to be appropriated through this bill, instead of saying no money can be used, let us say no Federal money. The effect of the Dixon amendment is to make the Barton amendment totally meaningless because it says to the District of Columbia, "You can still have what you want to call the domestic partners law, you can still have all of the problems, all of the consequences, all of the effects that we have been talking about." That is what the Dixon amendment would do.

And what does it really mean? I say to my colleagues, if you look at the bill, the money in the bill that is approved for spending by the District of Columbia is about $3.4 billion. Where does it come from? Six hundred and sixty-eight million dollars of it comes from a direct Federal appropriation. Fifty-two million dollars of it comes from Federal pension funds. And if you look on page 7 of the bill report, you will find of the $3.4 billion another $777 million comes from other Federal grants and programs so that you have a total of $1.5 billion of Federal funds coming into the District of Columbia.

In addition to that, Mr. Chairman, I say to my colleagues, if you will look on page 80 of the report, you will find the District also receives $500 million from the Federal Government to run cultural, educational, and similar attractions.

This money that comes into the District of Columbia, can you tell what is Federal and what is not? If I pulled this dollar out of this pocket, and I say, "This is Federal money," and I pull this dollar out of this pocket and say, "This is State money," and I put them together in my wallet, can you tell which is which?

If my colleagues say the District can spend one of these dollars but not the other, then they are approving the domestic partners provision of the District of Columbia, and they are undermining the family.

The gentleman from Massachusetts [Mr. FRANK] is wanting to undermine families by changing the definition, by saying that it is no longer, and I will not yield. I do not have time to yield, we have heard plenty from the other side.

We have the bill redefine family member. It is in the District of Columbia, a new definition that can be taken and will be argued from State to State that this is what a family means. It is not just homosexual partners. The language of the District of Columbia act also makes family members out of heterosexuals that are living together. But it is fascinating to me that in the earlier debate on the bill we heard a claim that this bill has nothing to do with homosexuals living together and wanting a legal recognition of that. Now we hear from the Massachusetts gentleman that that is exactly what is being promoted by this bill.

This is a question of redefining the family. It is not a question of playing games with which pocket the money came out of. We still have the constitutional authority and duty over all legislative enactments in the District of Columbia—article I, section 8, clause 17, of the U.S. Constitution.

If domestic partners goes into effect, Mr. Chairman, in the District of Columbia because my colleagues vote for the Dixon amendment, then it is their responsibility, and they must bear it, they must account for it to all the people back home in their own districts. My colleagues, do not think that you can escape the responsibility of the U.S. Constitution by saying, "Oh, I turned it over to the District of Columbia. Don't we all trust the government of the District of Columbia?" So I ask that the Dixon amendment be defeated and the Barton amendment be adopted.

□ 1600

The CHAIRMAN. The Chair would advise Members controlling debate that the gentleman from California [Mr. DIXON] has 7 minutes remaining, and the gentleman from Texas [Mr. BARTON] has 5 minutes remaining.

Mr. DIXON. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, there are two issues here, and two issues only: One is the home rule issue. I am not going to speak too long about that. That issue is obvious. The voters, represented through the city council and the Mayor of the District of Columbia voted to allow domestic partners at their own expense who work for the District government to extend health coverage by paying extra premiums to the people they live with, and we are going to overrule the District government and say "No, you can't," a violation of home rule, no moral reason on earth, no reason we should violate the home rule.

The second issue is the core issue. Why are we doing this anyway? And I do not believe for a minute a word said by the last two speakers, the proponents of this. Does anybody here believe, does anybody listening believe, that if the D.C. law were couched differently, that if instead of defining the word "family" to include domestic partner, they had a separate section of the law that defined the word domestic partner, made no reference to family, and said the benefits of domestic partners follows, you can have medical benefits, pension benefits, if they wanted to do that, does anybody believe the same people from this House would not be on their feet trying to overrule that? That they would not say that somehow magically impaired or threatened the family?

I do not believe it for a minute. I think it is sheer hypocrisy. Maybe we will get the D.C. government to test that next year by writing their law a little differently.

I believe the real issue here is that there are people in this country and in this House who so disapprove of the way some people live their private lives, that they want to make us moral arbiters and say those people are wrong, they are terrible. We will not let them live their private lives the way they will without exacting a pound of flesh because we feel good about it. That is what this debate is about, and nothing else, and it is wrong.

Mr. Chairman, I urge that the Barton amendment be defeated and the perfecting amendment be passed.

Mr. BARTON of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I rise against the so-called perfecting amendment because it would destroy the intent of what we are trying to do here. Money is fungible, as my colleagues already know.

I am going to try and clarify the core issue here, which is why some of us have come to the well of the floor to defend the traditional family unit. I know we will be talking past one another. I am willing to take out an hour special order tonight to debate this. I am willing to submit it to our leaders as a topic for one of our Wednesday night Oxford-style debates. I could quote the Old Testament here for about 30 minutes, but I would not want to feed VICTOR "The Gentle" FAZIO's paranoia regarding us fire-breathing Christians. So I will just discuss this topic from a sociological basis.

No jurisdictional unit in these here United States, from Alaska to the territory of Puerto Rico from Guam through California to Kennebunkport, no town, city, county, or State, recognizes same-sex couples as married. Protections favoring marriage are built into the law and our culture because of the central importance of the family unit as the building block of civilization. To have a governmental unit in this case the District of Columbia, sanction same-sex partnerships by putting them on par with traditional marriages in terms of benefits, sends a message that traditional married couples are not the ideal. Our society, especially as it is steeped in illegitimacy and divorce, needs to unashamedly promote traditional marriage. Traditional

marriage is better than same-sex partnerships and our institutions should say so. Anything less is an attack on the family.

My gosh, where did I first hear that about the family being the building block of civilization? It so sticks in my mind that I place it as September 1946. on the corner of Venice Boulevard and Normandy, at Loyola High School Father kelly, the professor of my first big class in sociology as a 13 year old, said "the family is the building block of society."

The U.S. Supreme Court in 1888, you New Englanders will remember that as the year of the big blizzard, described marriage as, "Creating the most important relation in life; as having more to do with the morals and civilization of a people than any other institution." That is the U.S. Supreme Court.

However, some jurisdictions are moving toward redefining the family to include same-sex relationships, and they are less like the V-8 juice as my colleague from Massachusetts stated, and more like Heinz 57. You know, you got your bondage, and you got your discipline, and you got your sadism, and you got your masochism, and you got your menage a trois, and you got your bisexuality.

And if you had military experience you would understand there are visiting officers quarters, that is a VOQ. Then there is a BOQ. That is the bachelors officers quarters. And then there is family housing. And that is for enlisted men who are married and officers who are married. We don't want bachelors partying in the family quarters or occupying those quarters. They are to go to the BOQ, or get housing in the community in town.

Now, a note in the Harvard Law Review in 1991—am I out of time?

The CHAIRMAN. The time of the gentleman has expired.

Mr. DORNAN. Then I will submit all this for the RECORD and look forward, Mr. Chairman, to the Oxford debate on the family. Thank you, Father Kelley, in sociology 101.

Thomas Stoddard, leader of the drive to lift the military's ban on homosexuals and former president of the Lambda Legal Defense Fund, now known as the Lambda Legal Defense and Education Fund, a homosexual legal foundation, sees marriage as the prime vehicle to advance societal acceptance of homosexuality:

"I must confess at the outset that I am no fan of the 'institution' of marriage as currently constructed and practiced. * * * Why give it such prominence? Why devote resources to such a distant goal? Because marriage is, I believe, the political issue that most fully tests the dedication of people who are not gay to full equality for gay people, and also the issue most likely to lead ultimately to a world free from discrimination against lesbians and gay men. Marriage is much more than a relationship sanctioned by law. It is the centerpiece of our entire social structure, the core of the traditional notion of 'family.'"

Lesbian activist Paula Ettelbrick, former legal director of the Lambda Legal Defense and Education Fund and now policy director for the National Center for Lesbian Rights, supports the "right" of homosexuals to marry, but opposes marriage as oppressive in and of itself. She says homosexual marriage does not go far enough to transform society:

"Being queer is more than setting up house, sleeping with a person of the same gender, and seeking state approval for doing so. * * * Being queer means pushing the parameters of sex, sexuality, and family, and in the process, transforming the very fabric of society. * * * As a lesbian, I am fundamentally different from non-lesbian women. * * * In arguing for the right to legal marriage, lesbians and gay men would be forced to claim that we are just like heterosexual couples, have the same goals and purposes, and vow to structure our lives similarly. * * * We must keep our eyes on the goals of providing true alternatives to marriage and of radically reordering society's views of reality."

MARRIAGE, DOMESTIC PARTNERSHIPS AND THE LAW

No jurisdictional unit in the United States—town, city, county or state—recognizes same-sex couples as "married." Protections favoring marriage are built into the law and the culture because of the central importance of the family unit as the building block of civilization. In 1888, the U.S. Supreme Court described marriage "as creating the most important relation in life, as having more to do with the morals and civilization of a people than any other institution."

However, some jurisdictions are moving toward redefining the family to include same-sex relationships, and there is a movement within the legal community to overhaul the definitions of marriage and family. A note in the Harvard Law Review in 1991 advocated replacing the formal definition of family with an elastic standard based "mainly on the strength or duration of emotional bonds," regardless of sexual orientation. The note recommends redefining the family through "domestic partner" or family "registration" statutes that go beyond the limited benefits now conferred by existing domestic partnership laws so as to "achieve parity" between marriage and other relationships.

In 1990, San Francisco Mayor Art Agnos appointed lesbian activist Roberta Achtenberg (currently Assistant Secretary of the U.S. Department of Housing and Urban Development) to chair the Mayor's Task Force on Family Policy. The final report of the task force defines the family this way:

"A unit of interdependent and interacting persons, related together over time by strong social and emotional bonds and/or by ties of marriage, birth, and adoption, whose central purpose is to create, maintain, and promote the social, mental, physical and emotional development and well being of each of its members."

In this definition, which could reasonably be described as a formulation by homosexual activists, marriage is no longer the foundation for families but secondary to "strong social and emotional bonds." This definition is so vague that multiple-partner unions are not excluded, nor any imaginable combination of persons, including a fishing boat crew. The whole point is to demote marriage to a level with all other conceivable relationships.

The Task Force's definition of "domestic partners" is almost as vague, but limits the relationship to two partners: "Two people who have chosen to share all aspects of each other's lives in an intimate and committed relationship of mutual caring and love."

The District of Columbia City Council legislation defines "domestic partner" as "a person with whom an individual maintains a committed relationship," which is defined as "a familial relationship between two individuals characterized by mutual caring and the sharing of a mutual resident." One of the partners must be a city employee "at least 18 years old and is competent to contract;" "not be related by blood closer than would prohibit marriage in the District;" "be the sole domestic partner of the older person;" and "not be married."

Applicants would qualify by signing a "declaration of domestic partnership" to be filed with the mayor, and which could be terminated by filing a termination statement with the mayor, which takes effect six months after filing. After that, another partner could be registered. Benefits include granting of sick leave, health insurance and funeral leave.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, to my utter disappointment, the preceding speaker failed to get my point. The question is not whether the family is an important thing and a good thing. My question remains unanswered: How does the fact that two men or two women choose voluntarily on their own to live together and to take advantage of the much lower level of benefits or other level of benefit that is there, how does that undermine the family? What is it about the example of two women living together that so frightens some of my colleagues on the other side that they think this will dissolve the bonds that bring men and women together?

That is the question. Not whether or not the family is important, but how does allowing a small minority of people to live in a different way undermine the right and the ability of the majority to do what it wants? That is the core issue, and it has not been answered, because it cannot be answered.

I will have to say, finally, that I would have to decline the invitation to engage in an Oxford debate with the gentleman from California. That seems to be somewhat oxymoronic.

Mr. BARTON of Texas. Mr. Chairman, may I inquire, who has the right to close?

The CHAIRMAN. The right to close is reserved by the gentleman from California [Mr. DIXON], who has 4 minutes remaining. The gentleman from Texas [Mr. BARTON] has 2 minutes remaining.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me simply state in closing that the domestic partnership ordinance that is currently on the books of the District of Columbia says any two adults that are at least 18 years of age or older, they can be heterosexual couples, they can be homosexual couples, as long as they are not

married and want health benefits, they can register with the District of Columbia as a domestic partnership and receive those benefits, and any other benefits.

Admittedly, if we pass the Barton amendment, we will not allow homosexual couples to receive any health care benefits if they registered themselves as a domestic partner. But neither would we allow heterosexual unmarried couples to receive those benefits either.

Once again, I must reiterate that the definition of family in the ordinance that is on the books in the District of Columbia does not meet any currently acceptable legal definition of family or of marriage anywhere else in the country.

I would hope that we would defeat the amendment of the gentleman from California [Mr. DIXON], which is a shell game, so that they could substitute Federal funds in another area so they could use local funds to implement this act. Defeat the Dixon amendment, and then vote for the Barton amendment, as we have the last 2 years.

□ 1610

Mr. DIXON. Mr. Chairman, to close the debate, I yield the balance of my time to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentleman, after a tough day for the District.

I say to my colleagues, leave us with our laws. How much do they mean to extract today from the District of Columbia? Have not you gotten enough?

The Dixon amendment has with it the power of precedent. The fact is that the Members of this body have used the distinction between Federal and local funds to separate themselves from the District of Columbia. That is the precedent for the way we have most often approached these issues.

I ask my colleagues to follow that precedent and to do so once again. I do not believe that the domestic partnership part of this is relevant to the way we have chosen to look at these issues in the past. Dozens of jurisdictions have domestic partnership laws, and some of my colleagues come from districts that have them. All that I ask of Members is that they show respect for my constituents and their democratically chosen choices.

My friends, this is a great country. Vive la difference. In the District, we have little enough democracy. We have less than any of the rest of my colleagues.

Today, through a bipartisan amendment, have inflicted heavy fiscal pain in order for the District to get its appropriation through; 80 percent of the money in this appropriation, my friends, on the other side of the aisle, is the District's money. Therefore, local funds means local funds.

Leave us with our laws. Do unto my constituents, I ask my colleagues, as they would have others do unto theirs.

Mr. STARK. Mr. Chairman, I oppose the Barton amendment. The citizens of the District of Columbia have once again decided that unmarried citizens of their jurisdiction should not be denied healthcare coverage. As a proponent of universal healthcare coverage and as a longstanding supporter of home rule, I must oppose any effort to deny the District the authority to expand healthcare coverage for its citizens.

I urge my colleagues to support the motion to rise. It is neither our right nor our responsibility to intrude on local matters.

Mr. SMITH of Texas. Mr. Chairman, the protections favoring marriage are built into the law and the culture because of the central importance of the family unit as the building block of civilization. It is no accident that this has taken place.

By the same token, it is no accident that the District of Columbia's Domestic Partners Act has decided to include homosexual couples, heterosexual couples living together, or any roommates. This definition reducing the institution of marriage to a level with all other conceivable relationships is a deliberate attempt.

People need to resist this assault against the family and the bond that was designed to hold it together—the institution of marriage. Taxpayers are tired of picking up the tab for special interests, especially ones that they are morally opposed to.

Furthermore, the domestic partnership provision mocks the idea of commitment—commitment in any relationship, since most domestic partner laws allow for easy dissolution of the relationship and the registry of several partners a year.

In September, Austin became the first city in my State of Texas to adopt the domestic partners policy, which is similar to ones passed in about 25 cities nationwide.

Since Austin City Council enactment and approval of the insurance program in September, 98 employees had signed up with 69 registering an opposite sex partner and 29 enrolling a same-sex partner.

In May, Austin voters repealed the domestic partner policy that extended health insurance benefits to unmarried partners of city employees by a clear mandate of 62 percent.

This mandate expresses Austin residents' frustrations with the maneuvering of the city council.

One of the many reasons this program was overwhelmingly repealed was because this program erodes family values.

People also felt very strongly that the city of Austin had no right to redefine marriage.

Many voters also opposed the program simply because of the added expense it would cost the city and ultimately the taxpayer to provide these benefits. According to city estimates these benefits would have cost the city of Austin approximately $130,000 this year alone.

D.C. should learn from the lesson Austin offers and not make the same mistake its presumptuous council did last September. We should vote against the motion to rise and for the Barton amendment to continue the ban on domestic partnership through fiscal year 1995.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from California [Mr. DIXON] to the amendment offered by the gentleman from Texas [Mr. BARTON].

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BARTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARTON of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 251, noes 176, not voting 12, as follows:

[Roll No. 321]

AYES—251

Allard	Emerson	Lewis (CA)
Andrews (TX)	Everett	Lewis (FL)
Applegate	Ewing	Lewis (KY)
Archer	Fawell	Lightfoot
Armey	Fields (TX)	Linder
Bachus (AL)	Fowler	Lipinski
Baesler	Franks (CT)	Livingston
Baker (CA)	Franks (NJ)	Lloyd
Baker (LA)	Frost	Lucas
Ballenger	Gallegly	Machtley
Barca	Gekas	Manton
Barcia	Geren	Manzullo
Barlow	Gillmor	Martinez
Barrett (NE)	Gilman	Mazzoli
Barrett (WI)	Gingrich	McCandless
Bartlett	Glickman	McCollum
Barton	Goodlatte	McCrery
Bateman	Goodling	McHale
Bentley	Gordon	McHugh
Bereuter	Goss	McInnis
Bevill	Grams	McKeon
Bilirakis	Grandy	McMillan
Bliley	Greenwood	McNulty
Boehner	Hall (OH)	Meyers
Bonilla	Hall (TX)	Mica
Boucher	Hamilton	Michel
Brewster	Hancock	Miller (FL)
Browder	Hansen	Minge
Bunning	Hastert	Molinari
Burton	Hayes	Mollohan
Buyer	Hefley	Montgomery
Callahan	Hefner	Moorhead
Calvert	Herger	Murphy
Camp	Hobson	Murtha
Canady	Hoekstra	Myers
Castle	Hoke	Nussle
Chapman	Holden	Ortiz
Clement	Horn	Orton
Clinger	Hunter	Oxley
Coble	Hutchinson	Packard
Collins (GA)	Hutto	Parker
Combest	Hyde	Paxon
Cooper	Inglis	Payne (VA)
Costello	Inhofe	Penny
Cox	Inslee	Peterson (FL)
Cramer	Istook	Peterson (MN)
Crane	Johnson (GA)	Petri
Crapo	Johnson (SD)	Pickett
Cunningham	Johnson, Sam	Pickle
Danner	Kanjorski	Pombo
Darden	Kaptur	Pomeroy
de la Garza	Kasich	Porter
Deal	Kim	Portman
DeLay	King	Poshard
Diaz-Balart	Kingston	Pryce (OH)
Dickey	Kleczka	Quillen
Dingell	Klink	Quinn
Doolittle	Klug	Rahall
Dornan	Knollenberg	Ramstad
Dreier	Kyl	Ravenel
Duncan	LaFalce	Regula
Dunn	Lambert	Ridge
Edwards (TX)	Lancaster	Roberts
Ehlers	Levy	Roemer

Rogers
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Sensenbrenner
Shaw
Shepherd
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Traficant
Tucker
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—176

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Becerra
Beilenson
Berman
Bilbray
Blackwell
Blute
Boehlert
Bonior
Borski
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Coyne
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gonzalez
Green
Gunderson
Gutierrez
Hamburg
Harman
Hastings
Hilliard
Hinchey
Hoagland
Hochbrueckner
Houghton
Hoyer
Hughes
Jacobs
Jefferson
Johnson (CT)
Johnson, E.B.
Johnston
Kennedy
Kennelly
Kildee
Klein
Kolbe
Kopetski
Kreidler
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Lewis (GA)
Long
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Matsui
McCloskey
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Moran
Morella
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Price (NC)
Rangel
Reed
Reynolds
Richardson
Rohrabacher
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Skaggs
Slaughter
Smith (IA)
Stark
Stokes
Strickland
Studds
Swift
Synar
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Williams
Woolsey
Wyden
Wynn
Yates

NOT VOTING—12

Bacchus (FL)
Bishop
Ford (MI)
Ford (TN)
Gallo
Huffington
Laughlin
McCurdy
McDade
Obey
Rowland
Slattery

□ 1633

Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DELUGO and Mr. RUSH changed their vote from "aye" to "no."

Mr. STUPAK changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. DIXON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHARP) having assumed the chair, Mr. MFUME, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4649) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 213, noes 210, not voting 11, as follows:

[Roll No. 322]

AYES—213

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Blackwell
Bliley
Bonilla
Bonior
Borski
Boucher
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Darden
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lantos
Levin
Lewis (GA)
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickle
Pomeroy
Price (NC)
Rangel
Reed
Reynolds
Richardson
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schumer
Scott
Sharp
Sisisky
Skaggs
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Swift
Synar
Tanner
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Walsh
Washington
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—210

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Blute
Boehlert
Boehner
Brewster
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fowler
Franks (NJ)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lancaster
LaRocco
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder

Lipinski	Portman	Smith (NJ)
Livingston	Poshard	Smith (OR)
Lloyd	Pryce (OH)	Smith (TX)
Long	Quillen	Snowe
Lucas	Quinn	Solomon
Machtley	Rahall	Spence
Manzullo	Ramstad	Stearns
McCandless	Ravenel	Stenholm
McCollum	Regula	Stump
McCrery	Ridge	Stupak
McHugh	Roberts	Sundquist
McInnis	Roemer	Swett
McKeon	Rogers	Talent
Meyers	Rohrabacher	Tauzin
Mica	Ros-Lehtinen	Taylor (MS)
Miller (FL)	Roth	Taylor (NC)
Molinari	Roukema	Tejeda
Montgomery	Royce	Thomas (CA)
Moorhead	Santorum	Thomas (WY)
Murphy	Sarpalius	Torkildsen
Myers	Saxton	Torricelli
Nussle	Schaefer	Upton
Ortiz	Schenk	Valentine
Orton	Schiff	Volkmer
Oxley	Schroeder	Vucanovich
Packard	Sensenbrenner	Walker
Parker	Shaw	Weldon
Paxon	Shays	Williams
Peterson (MN)	Shepherd	Wolf
Petri	Shuster	Young (AK)
Pickett	Skeen	Young (FL)
Pombo	Skelton	Zeliff
Porter	Smith (MI)	Zimmer

NOT VOTING—11

Bishop	Laughlin	Rowland
Gallo	McCurdy	Serrano
Huffington	McDade	Slattery
Kennedy	Obey	

□ 1654

The Clerk announced the following pair:

On this vote:

Mr. Serrano for, with Mr. Rowland against.

Mr. VOLKMER changed his vote from "aye" to "no."

Mr. WISE changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Ms. DUNN. Mr. Speaker, I offer a privileged motion to instruct conferees on the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

The SPEAKER pro tempore (Mr. SHARP). The Clerk will report the motion.

The Clerk read as follows:

Ms. DUNN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 3355 be instructed not to make any agreement that does not include subtitle F of title VIII of the Senate amendment, relating to sexually violent predators.

Mr. NADLER. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentlewoman from Washington [Ms. DUNN] will be recognized for 30 minutes, and the gentleman from New York [Mr. NADLER] will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion instructs conferees on the crime bill to encourage States to establish registration and tracking procedures and community notification with respect to released sexually violent predators. This same language was accepted by unanimous consent as a part of the Senate Crime bill. An effort to add companion language in the House—the bipartisan Dunn-Deal amendment—unfortunately was denied by the House Rules Committee.

Mr. Speaker, this now is an opportunity for Members of the House to go on record in support of the strong Senate language. We can send a precise message to conferees on the importance not only of registration and tracking provisions, but of notification that a sexually violent predator has moved into a community. American women and families deserve no less.

Mr. Speaker, this is a proven approach. The legislative language is modeled after a successful Washington State law, and will monitor sexually violent predators—including those convicted of stalking—wherever they may locate once they are released. Even if they move across State lines. Washington State leads the Nation in coping with this small group of criminals who terrorize primarily women, in their neighborhoods, homes, and workplaces.

The problem of sexually violent predators has unfortunately become too widespread in our society. We need only recall the tragic case of young Polly Klaas of Petaluma, CA who was snatched from her home and brutally murdered.

It is worth noting that the Polly Klaas Foundation is fully supportive of efforts not only to establish registration and tracking procedures, but also to institute community notification when sexually violent predators are released into the general public.

Mr. Speaker, I have had friends who have been raped. And as the ranking member of the Police and Personnel Subcommittee of House Administration, I have become aware of stalking cases right here on Capitol Hill. More to the point, I know firsthand what it feels like to have a stalker watching my every move, with the implicit threat of violence that is involved in that.

When rapists, women-beaters, or convicted violent stalkers are released into a community, the women in that community have a right to know that a dangerous individual has been placed in their midst. In fact, the Washington State Supreme Court already has ruled that this type of law is constitutional.

Already, both the House and Senate have passed legislation that requires law enforcement officials to notify communities when child molesters and others who pose a threat to children are released. This is right and good: A warning that society owes to parents and their children.

Likewise, our society owes to its women some notification that a predator is being released. And law enforcement officials should be encouraged to track their movements just as they do for those who have committed crimes against children.

That is all this language would do. I hope and believe it is something we all can agree on and endorse.

By contrast, Mr. Speaker, the language that is being proposed in the conference committee would completely strip any community notification from the crime bill. That is unacceptable. Law-abiding citizens, especially women, have a right to know when a predator is being released into their community.

What is the point of registering and tracking these convicted predators if we are not going to share that information with the very citizens who are at risk? How can we justify knowing where a sexual predator has located, and not notify the women and families in that neighborhood? The rate of recidivism for these crimes is astronomical. We know that. And that is why it is incumbent upon us to ensure that community notification is encouraged. Without the community notification, the effort is reduced simply to the collection of data.

I would hope the House would recognize this fact and express its strong support for community notification just as the Senate has done.

Mr. Speaker, on behalf of the thousands of women who work here on Capitol Hill. On behalf of the millions of women across the country and in every congressional district represented here, I respectfully ask that you support this bipartisan motion.

□ 1700

Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in opposition to this motion for several reasons. First, Madam Speaker, on a substantive basis the Senate version, the Senate language, has several problems

with it. The Senate version says that, if we define someone as a sexual predator; and the first problem is, I say to my colleagues, "If you look at the language in the bill as to defining a sexual predator, it's all-predicting. Someone with a mental abnormality, defined as a condition, a congenital or acquired condition, that affects the emotional or volitional capacity of the person in the manner that predisposes the person to the commission of criminal sexual acts."

Madam Speaker, we do not have the knowledge of the human mind and the brain that enables a proper decision to the degree of certitude required by criminal law as to a mental abnormality that predisposes someone to commit a crime. I do not think there is anything in the law books of this country, and I dare say of any State, that subjects someone to a penalty for a predisposition, for a prediction, that this person may commit a crime. That is a major danger here and a problem with this.

Second, let us assume that we did know. Let us assume that we did know how to predict this properly. What does this bill do? It says to the State, "Notify local law enforcement. Establish a program requiring someone who is released from jail either on probation, or parole, or at the completion of a sentence. He must notify local law enforcement as to where he lives and must keep that current." I frankly do not have a great problem with that if we want to say that some person, that we have the ability to predict that some person, is sufficiently dangerous, that although we are going to let him out of jail; and if he is so dangerous, I do not know why we let him out of jail; but he is sufficiently not dangerous enough to keep in jail, but sufficiently dangerous, we should notify local law enforcement and let them know to keep an eye on him.

OK; but this bill goes on to say that there should be community notification. The gentlewoman from Washington [Ms. DUNN] in her statement in support of this motion says the women of America have a right to know when a sexual predator moves into their neighborhood, and what is anybody going to do with this information? Move out of the neighborhood? Agitate to push that person out of the neighborhood so he goes to someone else's neighborhood where the process will start over again? Of what use is this information?

If we are going to mandate the release of information to the public, it should be with information that someone can do something with. Releasing this information to law enforcement might make some sense because law enforcement will keep an eye on him perhaps, but releasing this to the public is simply saying that someone who has committee a crime, paid the full penalty, spent 20 years in jail, or 30 years in jail, or 10 years or whatever it is, we are not going to penalize that person. But saying we are going to notify people that this is a pervert, and they can then go and try to demonstrate in front of his house, ask people to kick him out of the neighborhood or whatever, is fundamentally unfair.

More to the point:

If we have a person who is really this dangerous as to deserve or to necessitate such warning to the neighborhood, that person ought to be kept in jail. If people are sufficiently dangerous, then the criminal law ought to be such that they are kept in jail while they are dangerous to protect the people from their being let out, and if we let people out because we judge them no longer so dangerous, maybe community law enforcement notification to keep an eye on the fellow, maybe that makes sense, too. But to say sufficiently dangerous that we should notify the community so they can demonstrate against him or try to get him to move out of the neighborhood so some other neighborhood can demonstrate against him, but he is not dangerous enough to keep in jail, does not make sense.

Finally, Madam Speaker, in all of this, these issues, I am not going to attempt to persuade anybody of the rightness of these issues or of the rightness of what I just said of my view of these issues except to say that they are serious issues here.

□ 1710

But they are probably issues for State legislatures. The arguments that I just made should really be made before a State legislature, as should the arguments of the gentlewoman from Washington [Ms. DUNN], and the legislature might have policy reasons, might agree with her, might agree with me, might decide to lengthen the criminal penalties of some of these crimes, might decide for police notification or even community notification.

Those are questions for State legislatures. This is local law. What we are attempting to do here, or what the Senate is attempting to do here, what we should not agree with, is to mandate the States to enact a State criminal law and a State criminal program.

It says here, in fact we are writing State criminal law here. It says a person required to register under a State program who knowingly fails to register, shall be subject to criminal penalties in the State. Not in the Federal courts, in the State courts.

So we are writing State criminal law here. We are mandating the States under threat of withholding Federal funds as to a criminal law they are to enact. The Federal Government should not be in the business generally of enacting and writing local State criminal laws. That is the business of the State. The State legislature has ample policy arguments on both sides. I have enunciated some on one side of the issue, the gentlewoman from Washington [Ms. DUNN] on the other. I do not think this makes a heck of a lot of sense. But those are decisions for the State legislature, and, therefore, I oppose the motion to instruct the conferees and I urge that it be defeated.

Mr. BURTON of Indiana. Madam Speaker will be gentleman yield?

Mr. NADLER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Madam Speaker, I would just like to make one brief comment, and that is in Indiana not long ago, we had a woman terrified of a man who had been incarcerated. She asked specifically that she be notified if this man were to be released. She was not notified, and within hours after he was released, he went up to her home, 200 miles away, and brutally murdered her. Had she been notified, as this provision would mandate, she would be alive today.

Mr. NADLER. Reclaiming my time, I recall that incident, and I would say, number one, that that is a matter for the State legislature. But, number two, I would not have a problem, in concept or in policy, I think it makes eminent sense. Certainly if an individual was harassed by someone in State custody, if an individual has reason to believe that that person has something against them or is going to harass them, it makes eminent sense to notify that person when he is going to be released so that she can seek an order of protection, so that she can take whatever protective measures, so she can ask the local police to keep an eye on him or her, if it is going to be in the same community. I have no problem with that.

But that is not what this says. This says the general community at large should know about all people that a judge or some board will decide may have these characteristics, wherever he may go.

Now, it is true, and this case that the gentleman referred to is an example of that, it is true that there are certain individuals in our society, unfortunately, who are fixated on someone and may do bodily harm or kill that person. And that person ought to be protected, if we know about it, obviously. And certainly the woman that you referred to should have been protected. She had the right to know. She should have been told when he was being released, although if he were so dangerous, he probably should not have been released. But that is a separate question. She should have known. But that person is probably not a danger to anybody else.

So I would say, again, these are matters for the State legislature. We should not get into the business of writing State criminal laws. And the

State legislature in its wisdom might fashion a more narrow protection that would take care of the concern raised by the gentleman.

So, again, I urge that this motion be defeated.

Madam Speaker, I reserve the balance of my time.

Ms. DUNN. Madam Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. DEAL], a former prosecuting attorney, and who has been very active in putting this together.

Mr. DEAL. Madam Speaker, I thank the gentlewoman for yielding.

Madam Speaker, the gentlewoman from Washington [Ms. DUNN] and I, were cosponsors of an amendment to our original version of the crime bill that would have included language much more comprehensive than the language we are talking about instructing conferees to deal with. We were so presumptuous as to call it the Dunn-Deal amendment, and, as a result, the Committee on Rules did not allow us to vote on it.

We have a chance to make it a done deal here today by instructing our conferees that the language in the conference committee for purposes of consideration should be accomplished.

All of you, I think, knows what it does. It does require there be some tracking of those who are sexual predators. It is similar to language that is in the Jacob Wetterling Crimes Against Children Registration Act, which both bodies have passed.

I would like to take a moment to address the concerns of the gentleman from New York. He suggests to us we should not do this because in order to require registration, it requires we prove a predisposition of a mental condition to commit a crime, and that we have the inability to do that.

I would suggest to the gentleman we ought to tell all the defense attorneys in this country that that is impossible to prove, because it is the basis upon which defenses for being guilty but mentally ill or other mental defenses are usually based in order to get someone out of being punished for a crime.

The truth of the matter is we do have the ability to show this, and, yes, we do release them from jails and from prisons, even with that knowledge. And it is that basis upon which we should act.

I would also suggest that the fact that we may be telling State legislatures what they should or should not do has never been a deterrent to this body. In fact, if we took those provisions out of the Federal crime bill, we would probably have only a few pages to deal with whatsoever. We are in the business of writing Federal statutes. We are in the business of dealing with legislation that affects people who cross State lines, things that State legislatures cannot do. There is an old saying that in time of crisis, women and children first. This is a time of crisis. We have taken care of the children with registration. It is now the time to do the same thing for the women of this country.

Ms. DUNN. Madam Speaker, I yield 1 minute to the gentlewoman from Ohio [Ms. PRYCE], a former judge and an active Member of the freshman class.

Ms. PRYCE of Ohio. Madam Speaker, I rise in strong support of the Dunn motion to instruct conferees on the crime bill.

As a former judge, I strongly believe one of the most important duties of government is to ensure that its citizens can live safely in their homes and neighborhoods, free from violence and crime. Yet each year thousands of our citizens, our neighbors and loved ones, face the reality of violent sexual crimes, and their lives are changed forever. Madam Speaker, I've seen the bad remnants of many of these lives hundreds of times in my former court room.

This motion to instruct conferees is a simple way to monitor this group of violent sexual offenders who are released into society after serving time for these heinous offenses. After decades of elevating the needs and rights of criminals, the American public has slowly begun to recognize that victims and potential victims of crime have rights as well. With the passage of this motion the American people will at least have more information about released sexual predators.

Madam Speaker, this should not be a controversial issue. For the thousands of individuals who are victims of sexual violence every year, we are simply trying to give the law enforcement officials another commonsense tool to do their jobs to protect the communities from these most violent and brutal criminals. I urge my colleagues to support the Dunn motion to instruct and urge its passage.

Ms. DUNN. Madam Speaker, I yield 1 minute to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Madam Speaker, I rise in strong support of the Dunn motion to instruct conferees. Let me just say in the moment I have left, the sexually violent predator as defined by this motion is a person who has been convicted of the sexually violent offense, and who suffers from mental abnormalities. At that moment of conviction under the Dunn motion, we are saying yes, you then abdicate your civil rights to live a free and normal life, just like your victim did at the moment that the crime was committed.

What does that accomplish? It gives every other woman who may live in that town an opportunity to be aware and be on guard. Does that sound fair? It is not fair. Nor is it fair for a sexual predator to be able to roam a neighborhood and ruin lives. And the moment that that conviction occurs, that person relinquishes his ability to serve with his civil rights like every other law-abiding citizen in the United States. And to the Dunn motion to instruct, it lets you know once and for all, at least in one portion of our Criminal Code, that if you violate this law, it will be an offense that haunts you for the rest of your life. Not only because that is justice, but because that is fairness for every woman who may live in that neighborhood.

Madam Speaker, I thank the gentlewoman, and I strongly support the motion.

□ 1720

Ms. DUNN. Madam Speaker, I yield 1½ minutes to the gentlewoman from Florida [Mrs. FOWLER], who, just as the gentlewoman from New York [Ms. MOLINARI], has been a very active member of our conference and who is another strong, hard-working Member of the freshman class.

Mrs. FOWLER. Madam Speaker, I rise in support of the Dunn motion to instruct conferees on the crime bill to ensure that the conference report includes: National tracking and registration of released sexually violent predators; community notification of the presence of these released individuals; immunity for law enforcement agencies that act in good faith to notify communities.

A sexually violent predator is a person who has been convicted of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in another such offense.

This measure targets the small group of violent sexual offenders who are released into society after serving time for rape or child molestation, despite the fact that they are a continued threat.

After a determination has been made that a person is a sexually violent predator, it is simply a commonsense precaution for law enforcement officials to monitor the person's whereabouts and warn communities where the person may commit another offense.

Currently, law enforcement officials often fail to communicate the presence of a sexual predator in their communities, because they either have no way of ensuring his residence or lack the legal protection to do so.

This measure gives our law enforcement officials the tools to protect their communities from some of the most violent and brutal criminals.

According to the Congressional Budget Office, the cost of this measure is negligible.

The Dunn motion to instruct is a commonsense motion, which will serve to protect women and children in the future, and I urge my colleagues to support it.

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Ms. DUNN. Madam Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. RAMSTAD], a member of the Subcommittee on Crime and Criminal Justice who has worked on this legislation for 3½ years.

Mr. RAMSTAD. Madam Speaker, I rise in support of the Dunn motion.

As Members will recall, the House passed the Jacob Wetterling Crimes Against Children Act last fall, and this measure was also included in the crime bill.

As the author of this legislation, I've worked on this issue for 3 years. I know how important it is to coordinate with the States to develop a national registration system to keep track of released sex offenders who are known to be notorious repeat offenders.

I support expanding the Wetterling bill to cover sexually violent predators, and I commend Republican DUNN for bringing this motion to the floor.

Regarding community notification, reasonable minds can disagree over whether it is good policy. Yes, there is the potential for abuse. On the other hand, we need to protect the public from persons we know are dangerous.

But the key point is that the individual State legislatures—not the U.S. Congress—should decide whether they want to adopt some form of community notification. This is all the Dunn motion would do.

Attorney General Janet Reno, in her recommendations to the conferees dated June 13, discussed this very issue as it pertains to the Wetterling bill, which, I might add, she supports. She recommends that the conferees strike the provision in the Wetterling bill which deems the registration information to be "private data."

As she says, "this could interfere with State discretion to use the data for other legitimate purposes, such as notifying school authorities or victims of earlier offenses that a child molester has moved nearby."

As you can see, the Attorney General essentially supports the concept of "community notification," and like me, she believes this should be a matter of State discretion.

Indeed, I think it is also instructive to note that her comments regarding the Senate's registration system for sexually violent predators, which is the subject of the Dunn motion, do not raise any objections to community notification.

While not the subject of this motion, I urge the conferees to accept the Attorney General's recommendation regarding deletion of the "private data" provision in the Wetterling bill.

And I urge Members today to vote for the Dunn motion. The women and children of America deserve nothing less.

A vote for the Dunn motion is a vote for victims rights.

Mr. NADLER. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Madam Speaker, I really had not expected to speak on this issue until I got in the Chamber. My disposition, frankly, is to support the gentlewoman from Washington, and I intend to do so because I think that her instruction makes a very important point.

I have listened to the gentleman from New York [Mr. NADLER], and he did an excellent job of presenting the nuances, the subtleties of the law, and the questions that are necessarily raised by this instruction.

But I think what we are talking about here, if I have heard correctly, and if the Members on the proponents' side of the argument are clear in their understanding, we are talking about those who have preyed upon children as well as preyed upon women. Is that correct?

Ms. DUNN. Madam Speaker, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentlewoman from Washington.

Ms. DUNN. Madam Speaker, it is sexual predators, and they prey most often upon women but also talking about children.

Mr. MAZZOLI. Madam Speaker, if I am correct in that, this would be a notification to the communities about the presence in those communities of people who have preyed upon children, who have abused children, who have raped and sodomized children. Is that correct?

Ms. DUNN. Madam Speaker, if the gentleman will continue to yield, the way we define sexually violent predator, the term sexually violent predator means a person who has been convicted of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes that person likely to engage in predatory sexually violent offenses.

Mr. MAZZOLI. I thank the gentlewoman for that, because I remember when we had the markup of the crime bill in our Committee on the Judiciary, I had just come upon an article which appeared in the Courier-Journal, a Louisville, KY newspaper, about a man who did not live in Louisville, but nearby, who was a sexual predator, who had committed horrible and heinous offenses against children in his career as a career criminal and who freely confessed that he could not prevent himself from committing these acts again. And I think that the reality is that psychologists and the psychiatrists indicate that people who have preyed upon children are almost inevitably going to prey again. They are almost inevitably going to commit these acts again. So it does appear to me that, while I think the gentleman from New York [Mr. NADLER] has performed a very valiant duty here, it does seem to me that we should tell our conferees that we believe this kind of treatment is necessary to protect American women and American children.

Ms. DUNN. Madam Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM], who has been very active on behalf of the initiatives to inform and protect women and who has been a strong supporter of this legislation.

Mr. CUNNINGHAM. Madam Speaker, I do not think it is too unreasonable to ask to instruct in a motion that is going to protect our most vulnerable citizens, our senior citizens are not included in this, but they should be, but the children and women.

The gentleman from Indiana [Mr. BURTON] talked about a lady that was harassed by a gentleman and asked to be notified when that gentleman got out of prison. She was not. The gentleman immediately drove 200 miles and killed that lady.

We need to protect these kinds of people. The gentleman from New York said, well, it is not our responsibility. It is the States' responsibility to do that.

I cannot tell my colleagues on this House floor what I feel about that response from the gentleman from New York. It is all of our responsibilities to protect our men and women, not just the State legislature. I have heard that it is unfair to have somebody register.

If you are a sexual molester, you molest either of my two daughters, you better not be told that you are in my district because you are probably not going to survive.

At a minimum, we ought to at least let the community know that that individual that has been convicted of rape, of stalking, of sexual molestation is in the district. Is it unfair? It is unfair to be raped. It is unfair to be sexually molested, and it is unfair to be stalked.

□ 1730

They should be informed not only at the time, but for the future people that that person is going to commit that crime against. Madam Speaker, I hope we look at the O.J. Simpson case out in California that is going on right now, as far as domestic violence, and get stronger penalties with that. Polly Klaas' dad was asking for at least 85 percent of the time that a molester should spend in jail, at a minimum. I would like to see 100 percent, but that did not happen.

Madam Speaker, it is time, a long overdue idea, that we quit protecting criminals and criminal rights and focus on the victims' rights, not only those that have been victimized, but those that will be victimized it we do not notify.

Madam Speaker, I rise in strong support of the motion offered by the gentlewoman from Washington [Ms. DUNN], and I thank the gentleman from Georgia [Mr. DEAL] as well.

Ms. DUNN. Madam Speaker, I yield 4 minutes to the gentleman from Arizona [Mr. KYL], who has been very active on behalf of this and other protective legislation.

Mr. KYL. Madam Speaker, first I want to thank the gentlewoman for yielding time to me, and for offering this motion. She has been a real leader in this field, and that is an important reason why I think we will be improving the crime bill and able to pass a very strong crime bill before this Congress is finally adjourned.

Madam Speaker, sexual violence is one of the most troubling issues facing our Nation today. Today, again, we have the opportunity on the floor of this chamber to help combat domestic and sexual violence. For the sake of the thousands of victims, I once again urge the House not to pass up an opportunity to strengthen laws against domestic and sexual abuse.

Both the House and Senate have wisely passed legislation to require law enforcement officials to notify communities when a child molester is released from prison and then moves into a community. Likewise, when a sexually violent predator is released from prison into a community, the citizens of that community should be notified.

During debate on the Senate crime bill, an amendment passed which provides for community notification of released sexual predators. The Senate amendment also encourages States to establish registration and tracking procedures of violent sexual offenders and establishes immunity for officials notifying communities of the presence of violent sexual offenders. This amendment, it should be noted, passed unopposed.

During consideration of the House crime bill, Representatives DUNN, SUSAN MOLINARI, and I attempted to offer that amendment, as well as other sexual assault measures, but we were rejected, on a party-line vote, from doing so. Today, we have an opportunity to continue the battle against domestic and sexual violence by ensuring that both the House and Senate are on record in support of these provisions. This notification amendment is important and complements the objectives of the Sexual Assault Prevention Act, legislation Representative SUSAN MOLINARI and I have introduced to combat sexual and domestic violence and give victims greater protection while going through the criminal justice system.

Every community in this nation has had to grapple with sexual abusers. And, in hearings I have held on sexual violence here in Washington and in Arizona, experts have testified the prognosis for curing violent sexual abusers in poor. They also testified that the likelihood of sexual abusers repeating acts of sexual violence is very high. If a criminal justice system were in place to put and keep sexually violent predators in jail, then a notification system would not be necessary. However, according to the Bureau of Justice, rapists, on average, spend only 3 years in jail. Given the recidivist nature of these offenders, it makes clear and perfect sense to let the citizens of a community know that a potentially dangerous person in living in their neighborhood.

My interest in ensuring that victims and communities receive proper notification of the release of perpetrators was heightened last year. During my work on the House Armed Services Committee, I became aware that the Department of Defense knows little about domestic and sexual violence even though 28,000 military families were touched by violence in 1992 alone. In those situations, victims were often not notified of their rights. As a result, I had language added to the DOD authorization bill last year which requires DOD to implement a system to ensure notification of victims and witnesses if prisoners in military correctional facilities are moved or released. As a result of last year's Defense bill, DOD has also established a new, centralized Victim and Witness Assistance Program.

Victims and citizens in communities around the country deserve to know when a violent abuser will be released from prison. The Dunn motion to instruct will help to accomplish this goal and so I urge my fellow colleagues to vote to instruct crime bill conferees to agree to subtitle F of title VII of the Senate-passed crime bill. Again, Members should not pass up the opportunity to make a positive difference in the lives of those who have experienced the tragedy of sexual and domestic assault.

Mr. NADLER. Madam Speaker, I yield myself such time as I may consume to close debate for this side.

Madam Speaker, a number of references were made in the discussion that are not really apropos to the subject of the amendments, to the provision that the Senate seeks to put in this bill, which this motion urges our conferees to accede to. Reference was made, for instance, to protecting victims of child molestation, to protecting children.

The fact is that 12 pages earlier in this bill there is subtitle C, crimes against children, the Jacob Wetterling Crimes Against Children Registration Act to which the gentlewoman and several speakers on that side referred. This is the section of the bill which the House and Senate both passed, which is not the subject of what we are talking about, that is designed to protect children, and that sets up a notification system.

What we are considering here is a separate section which the Senate did but we did not on sexually violent predators. The child molestation notification is in subtitle C of the bill, which both House and Senate agree on. Here we are talking about setting up a sexually violent predators definition, and mandate on the States to set up a program to notify the police and the communities and local people.

Madam Speaker, I would point out that the Jacob Wetterling provision, which we are going to enact as part of the crime bill, because both Houses agree, is not a precedent for this, because it does the right thing.

It provides for notification of the police in a community when someone who has been a child molester is going to be released, so the police are notified, the law enforcement agencies are notified, and can keep an eye on this person to protect the community. It does not provide for community notification.

Madam Speaker, my main objection to this provision is the community notification, because once someone has been released from jail, if we think he is dangerous, I think it makes eminent sense to do two things: First, notify the police, and that makes eminent sense; second, if he has shown a fixation on an individual victim, as in the case in I forget which State was referred to before, in Indiana, notify the victim, by all means. If someone has been a victim, then he or she certainly should be notified when the felon or the perpetrator is going to be released.

However, to notify the world at large, what effect does it have, other than to enable people to demonstrate and try to put pressure on this person not to live in that community, so he can move to another community where they will have the same problem, and so forth, from one community to the other?

If this person is so dangerous, then that person should be in jail. As I said before, this is criminal law, local criminal law, and the State legislature should deal with it. Let the State legislatures mandate longer prison terms, or in certain cases, maybe life without parole. That is the prerogative of the State legislature.

Madam Speaker, again, either the person is so dangerous that he should be in jail or he is not so dangerous that he should be hounded from community to community because he is labeled a sexually violent offender and everybody is told about it when he is released from jail x number of years later.

Police notification makes sense, individual notification makes sense, large-scale notification does not make sense, because if we need large-scale notification, so-called community notification, then we should not be releasing him from jail, and the State legislature should be dealing with both ends of this problem, and that is the bottom line of this. This is a State matter.

When I hear someone stand up here and say that it is all of our responsibility, sure, it is all of our responsibility, but in this country we leave general decisions of criminal law generally to the States except when it crosses the State line. Here there is no suggestion of crossing State lines.

In fact, in this provision we are saying to the State, "If you do not do it exactly the way we tell you to do it, then we are going to take Federal funds away from you and we are going to mandate it. We are not going to leave it to the discretion of the Attorney General or anything."

This is telling the States, "We know best how to do it, we are telling you how to do it in the States," and that is not something we ought to be doing in the criminal law in a matter of this kind, especially when there are strong policy arguments that this particular solution to this problem has real problems with it. Let the State legislature deal with the specifics of how to deal with this.

Madam Speaker, I yield back the balance of my time.

Ms. DUNN. Madam Speaker, I yield the remainder of my time to the gentleman from Florida [Mr. MCCOLLUM], who has been a diligent leader on crime legislation.

□ 1740

Mr. MCCOLLUM. Madam Speaker, I thank the gentlewoman for yielding me that time and her kind words.

Madam Speaker, I do not intend to take up the full 10 minutes. I first of all want to commend the gentlewoman from Washington for offering this. This is a very important and constructive provision in the crime bill that should have been out here on the floor with an opportunity for the Members of the House to vote on it way back on April 21 when we considered this bill. It was not for her lack of diligence. She tried very hard to convince the Committee on Rules, and many of us supported her, to get this opportunity to offer the amendment that today she is seeking us to offer in the motion to instruct to tell our conferees to accept what is in the Senate bill.

Madam Speaker, why is this so important? First of all, the No. 1 issue in the crime world today for the American public is violent crime. There is no greater violent crime problem that faces American women and children today than that of a sexual predator, that is, a stalker. That is what we are talking about today. We are talking about somebody who has been convicted of not just any old crime but a violent sexual crime who then is going to go back out onto the streets again, whose opportunity to commit another crime of that nature will be there, who has a track record that undoubtedly shows a predisposition of some sort with a mental abnormality or some personality disorder that psychologists and psychiatrists would say has this predisposition, and then who is somebody who probably is going to be winding up stalking a woman or potentially a child in our communities locally.

I cannot think of anything more appropriate to the crime bill than this provision. What does this provision do? We have heard a lot of talk about it today. It is pretty darn straightforward. What it is is simply saying to the States around the country who are receiving a lot of Federal largess under the Federal Justice Assistance Act and under many other provisions that are in this crime bill that is a multibillion dollar bill if we ever get around to being able to see the final product. We are simply saying to the States, "Look, if you want to get all of that justice assistance money that is coming out, if you do not want to lose 10 percent of it, then we want you to take the minimum step of enacting laws that require that any time somebody who is one of these sexually violent predators is defined, who has been convicted of such a crime, is released from jail, that they register with the local enforcement officials and that if they move, that they indeed take that address and notify the new folks of it and that the local law enforcement people where these folks have been released also take the step of notifying the next folks down the line where these folks are moving, in other words, to keep track of them."

Yes, there is the possibility of community notification. What is all the hullabaloo about that has been discussed today on that? I would like to read it. Community notification. It says:

"The designated State law enforcement agency may," does not require it to, but may, "release relevant information that is necessary to protect the public concerning a specific sexually violent predator required to register under this section."

Madam Speaker, this legislation if adopted would simply say that the local law enforcement agency could determine, your local police chief, your local sheriff, your local or State head law enforcement person could determine that in a particular given case of such an egregious nature, this person's characteristics are such that that should be generally known by the public that his presence is in the community.

I doubt that occurs very often, but what is wrong with that? We are seeing today where 6 percent of the criminal population of this country are committing 70 percent of the violent crimes and serving only an average of about a third of their sentences. We are seeing sexual predators who have committed violent crimes against women and children released on the streets. The very least we should do is have the opportunity not only for registration in the States and local law enforcement agencies as someone who has done this and been released but also the opportunity for those law enforcement locals to make a discretionary judgment on a case-by-case basis to let the general population know that this particular individual is up and about and out and been released. That is all this is about. It is our opportunity to instruct conferees.

Madam Speaker, I would like to remind my colleagues that we are stuck right now without a crime bill. It has been since April 21, when we passed our crime bill, the Senate all the way back last year passed its, and we still do not have any movement toward a conference report between the House and the Senate. Every single week that passes, there are officially at least 2,000 rapes committed in this country. There are reportedly 12,000 or so that have not been reported in officially that are committed every week. That is just one of many statistics on violent crime that demonstrate the importance and the urgency of a crime bill that the other side has not been able to get its Members together and act on.

We have things like the so-called Racial Justice Act, the quotas for murderers that we have already passed a provision on saying we want to retreat from here on a motion to instruct similar to the one tonight passed a couple of weeks ago, passed long before we went out on our recess for the Fourth of July. But it seems that provision from all we hear on this side of the aisle is hanging up on the on the Democrat side of the aisle and they are unable to come up with an opportunity for us to get together on a crime bill.

Madam Speaker, how many more weeks have got to pass before we get legislation through a conference committee and get it passed into law that will stop some of this nonsense and give the resources to the States for prisons? I do not know. But I do know that tonight, because of the gentlewoman from Washington [Ms. DUNN] and her motion to instruct conferees, we at least have the opportunity to tell our conferees that when and if we ever get together as a conference on this with the Senate, they should accept this Senate language that takes care of the simple matter of requiring States to pass rules and regulations having registration of stalkers, of sexually violent predators and giving community notification.

It is a good proposal that the gentlewoman is offering. It is a simple proposal. There should not be any no votes on it. It should not be controversial. It should have been brought out on the floor and allowed under the rules. The other party did not let that happen when the bill was voted on before. Certainly tonight we should be correcting that problem and at the very least saying to the conferees, "Please accept

this language when you go to conference. Don't tinker around with it. Don't take out this permissive language on community notification." It is just permissive, but it is very, very important.

Madam Speaker, I thank the gentlewoman for letting me close.

Ms. DUNN. Madam Speaker, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentlewoman from Washington.

Ms. DUNN. Madam Speaker, I thank the gentleman for yielding.

I do want to say, Madam Speaker, this has been a joint operation and I want to send my special thanks across the aisle to the gentleman from Georgia [Mr. DEAL] for all the work he has done and for his helping so much in his very adroit, adaptable, and effective way in making this a "Dunn-Deal."

I hope the Congress will support us as well.

Madam Speaker, I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore (Ms. KAPTUR). The question is on the motion to instruct offered by the gentlewoman from Washington [Ms. DUNN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. DUNN. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 407, nays 13, not voting 14, as follows:

[Roll No. 323]

YEAS—407

Abercrombie	Boehlert	Combest
Ackerman	Bonilla	Condit
Allard	Bonior	Cooper
Andrews (ME)	Borski	Coppersmith
Andrews (NJ)	Boucher	Costello
Andrews (TX)	Brewster	Cox
Applegate	Browder	Coyne
Archer	Brown (CA)	Cramer
Bacchus (FL)	Brown (FL)	Crane
Bachus (AL)	Brown (OH)	Crapo
Baesler	Bryant	Cunningham
Baker (CA)	Bunning	Danner
Baker (LA)	Burton	Darden
Ballenger	Buyer	de la Garza
Barca	Byrne	Deal
Barcia	Callahan	DeFazio
Barlow	Calvert	DeLauro
Barrett (NE)	Camp	Dellums
Barrett (WI)	Canady	Derrick
Bartlett	Cantwell	Deutsch
Barton	Cardin	Diaz-Balart
Bateman	Carr	Dickey
Becerra	Castle	Dicks
Beilenson	Chapman	Dingell
Bentley	Clayton	Dixon
Bereuter	Clement	Dooley
Berman	Clinger	Doolittle
Bevill	Clyburn	Dornan
Bilbray	Coble	Dreier
Bilirakis	Coleman	Duncan
Blackwell	Collins (GA)	Dunn
Bliley	Collins (IL)	Durbin
Blute	Collins (MI)	Edwards (TX)
Ehlers	Klein	Pomeroy
Emerson	Klink	Porter
Engel	Klug	Portman
English	Knollenberg	Poshard
Eshoo	Kolbe	Price (NC)
Evans	Kreidler	Pryce (OH)
Everett	Kyl	Quillen
Ewing	LaFalce	Quinn
Farr	Lambert	Rahall
Fawell	Lancaster	Ramstad
Fazio	Lantos	Ravenel
Fields (LA)	LaRocco	Reed
Fields (TX)	Lazio	Regula
Filner	Leach	Reynolds
Fingerhut	Lehman	Richardson
Fish	Levin	Ridge
Flake	Levy	Roberts
Foglietta	Lewis (CA)	Roemer
Ford (MI)	Lewis (FL)	Rogers
Ford (TN)	Lewis (GA)	Rohrabacher
Fowler	Lewis (KY)	Ros-Lehtinen
Frank (MA)	Lightfoot	Rose
Franks (CT)	Linder	Rostenkowski
Franks (NJ)	Lipinski	Roth
Frost	Livingston	Roukema
Furse	Lloyd	Roybal-Allard
Gallegly	Long	Royce
Gejdenson	Lowey	Rush
Gekas	Lucas	Sabo
Gephardt	Machtley	Sanders
Geren	Maloney	Sangmeister
Gibbons	Mann	Santorum
Gilchrest	Manton	Sarpalius
Gillmor	Manzullo	Sawyer
Gilman	Margolies-Mezvinsky	Saxton
Gingrich	Markey	Schaefer
Glickman	Martinez	Schenk
Goodlatte	Matsui	Schiff
Goodling	Mazzoli	Schroeder
Gordon	McCandless	Schumer
Goss	McCloskey	Scott
Grams	McCollum	Sensenbrenner
Grandy	McCrery	Serrano
Green	McDermott	Sharp
Greenwood	McHale	Shaw
Gunderson	McHugh	Shays
Gutierrez	McInnis	Shepherd
Hall (OH)	McKeon	Shuster
Hall (TX)	McKinney	Sisisky
Hamburg	McMillan	Skaggs
Hamilton	McNulty	Skeen
Hancock	Meehan	Skelton
Hansen	Menendez	Slaughter
Harman	Meyers	Smith (IA)
Hastert	Mfume	Smith (MI)
Hayes	Mica	Smith (NJ)
Hefley	Michel	Smith (OR)
Hefner	Miller (CA)	Smith (TX)
Herger	Miller (FL)	Snowe
Hinchey	Mineta	Solomon
Hoagland	Minge	Spence
Hobson	Mink	Spratt
Hochbrueckner	Moakley	Stark
Hoekstra	Molinari	Stearns
Hoke	Mollohan	Stenholm
Holden	Montgomery	Stokes
Horn	Moorhead	Strickland
Houghton	Moran	Studds
Hoyer	Morella	Stump
Huffington	Murphy	Stupak
Hunter	Murtha	Sundquist
Hutchinson	Myers	Swett
Hutto	Neal (MA)	Swift
Hyde	Neal (NC)	Synar
Inglis	Nussle	Talent
Inhofe	Oberstar	Tanner
Inslee	Olver	Tauzin
Istook	Ortiz	Taylor (MS)
Jacobs	Orton	Taylor (NC)
Jefferson	Oxley	Tejeda
Johnson (CT)	Packard	Thomas (CA)
Johnson (GA)	Pallone	Thomas (WY)
Johnson (SD)	Parker	Thompson
Johnson, E.B.	Pastor	Thornton
Johnson, Sam	Paxon	Thurman
Johnston	Payne (NJ)	Torkildsen
Kanjorski	Payne (VA)	Torres
Kaptur	Pelosi	Torricelli
Kasich	Penny	Towns
Kennedy	Peterson (FL)	Traficant
Kennelly	Peterson (MN)	Tucker
Kildee	Petri	Unsoeld
Kim	Pickett	Upton
King	Pickle	Valentine
Kingston	Pombo	Velazquez
Kleczka	Porter	Vento
Visclosky	Wheat	Wyden
Volkmer	Whitten	Wynn
Vucanovich	Williams	Yates
Walker	Wilson	Young (AK)
Walsh	Wise	Young (FL)
Waxman	Wolf	Zeliff
Weldon	Woolsey	Zimmer

NAYS—13

Brooks	Hughes	Rangel
Clay	Kopetski	Waters
Gonzalez	Meek	Watt
Hastings	Nadler	
Hilliard	Owens	

NOT VOTING—14

Armey	Edwards (CA)	Obey
Bishop	Gallo	Rowland
Boehner	Laughlin	Slattery
Conyers	McCurdy	Washington
DeLay	McDade	

□ 1807

Mr. HUGHES changed his vote from "yea" to "nay."

Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. COLLINS of Illinois, and Mr. RUSH changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The result of the vote was announced as above recorded.

MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. ROHRABACHER. Madam Speaker, I offer a privileged motion to instruct conferees on the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

The SPEAKER pro tempore (Ms. KAPTUR). The Clerk will report the motion.

The Clerk read as follows:

Mr. ROHRABACHER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 3355 be instructed to agree to section 5102 of the Senate amendment.

Mr. BECERRA. Madam Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from California [Mr. ROHRABACHER] will be recognized for 30 minutes, and the gentleman from California [Mr. BECERRA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. ROHRABACHER].

□ 1810

Mr. ROHRABACHER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, when the Senate considered the crime bill, which is now

in conference, it adopted, by a vote of 85 to 2, the Exon amendment which takes a significant step forward in excluding some illegal aliens from certain Government programs. The Exon amendment specifically excludes illegal aliens from Aid to Families with Dependent Children, Supplemental Security Income, food stamps, Medicare, except for emergency care, legal services, assistance under the Job Training Partnership Act, unemployment compensation and financial aid for postsecondary education.

The primary effect of this amendment is to effect on persons residing under color of law, meaning PRUCOL, aliens. PRUCOL aliens are those immigrants who are deportable, but the INS has failed to deport. It also includes refugees and others who have a claim to remain in the United States but have not had their legal status determined. The Exon amendment makes the important distinction between the PRUCOL aliens who are simply awaiting deportation and those who have a claim to permanent resident status. The amendment cuts off benefits to those aliens who are illegally in the United States or aliens who are PRUCOL but are only in this country awaiting deportation.

Some programs covered by the Exon amendment already contain prohibitions on illegal alien eligibility, however the Exon amendment breaks new ground by cutting off illegals, to illegals, any eligibility for the Job Training Partnership Act assistance, and it only takes a little bit of common sense that people who are now here legally and are not entitled to a job here because they are here illegally, they should not be eligible for job training.

Another program that the Exon amendment reserves to citizens and legal residents is college financial aid. We in this House have wrangled with the issue over scarce Federal dollars for student aid. This provision would cut off illegal alien eligibility for Federal postsecondary student aid and help ensure that our own citizens enjoy the resources that we have committed to help young people to college.

This amendment is a blow for fiscal sanity at a time of high deficit spending. The CBO estimates that over 5 years the Exon amendment will save $2.2 billion. The National Taxpayers Union, which it even further studied on this proposal, states that the provision will save over $700 million a year, each and every year.

The Exon amendment is compassionate. It says we cannot afford to be the welfare benefactor to the whole world. We have citizens who have dreams and needs, and we must preserve our social services for those who have paid into the system.

Furthermore, without amendments such as this we are sending an unmistakable invitation to needy people everywhere in the world and on every continent of the world. We are inviting them to ignore our immigration laws, and to come to our country and receive a host of taxpayer benefits provided by the taxpayers. Madam Speaker, the taxpayers cannot continue to provide such largess to illegal aliens wherever they come from in the world.

This vote presents Members with the most straightforward and clear choice on the illegal immigration issue that the 103d Congress has had. I say to my colleagues, if you support the giveaway of taxpayer funded benefits to illegal aliens, vote against my motion. If, however, you believe that we must cut off the illegal aliens from benefits and stop the tidal wave of illegal immigration, then a vote for the Rohrabacher motion is in order.

Only a majority vote of this House will ensure that the Exon amendment will stay in the conference report. It is time to go on the record on this pivotal issue of tax supported benefits for illegal aliens.

I am pleased to note that both of California's Senators; that is, BARBARA BOXER and DIANE FEINSTEIN, as well as Senator MOSELEY-BRAUN and Senator MURRAY, have joined as cosponsors of this amendment in its present form. I urge my colleagues to join with the overwhelming majority of our Senate colleagues. It was an 85 to 2 vote in support of this historic change as to what benefits the Federal Government will be providing to illegal aliens, the proper amount of money that should be going to illegal aliens at a time when we are reducing services for our own people.

Madam Speaker, that is what this amendment is about, is to try to reduce the amount of money going to illegal aliens.

Madam Speaker, I reserve the balance of my time.

Mr. BECERRA. Madam Speaker and Members, I rise in opposition to this motion for a number of reasons, but let me first try to address a couple that were raised by my colleague, the gentleman from California [Mr. ROHRABACHER].

First, we have to remember we are talking about a crime bill here. Yet all of a sudden, through the crime bill, through this motion to instruct, the gentleman from California [Mr. ROHRABACHER] would want us to address issues of public benefits which have nothing to do with the issue of crime.

We have a crime bill which is stuck in conference that has not moved yet. Now we are trying to clutter it up with more things that relate not at all to the issue of crime and making our streets safer. But let us go to the issue that the gentleman from California [Mr. ROHRABACHER] raises.

First, Madam Speaker, he says that he is trying to deny undocumented immigrants benefits from the Federal Government because it is taking taxpayer dollars. Well, what the gentleman from California [Mr. ROHRABACHER] does not tell anyone is that each and every program service that he is trying to deny undocumented immigrants, they are already denied in Federal law.

I say to my colleagues, if you look at AFDC, Supplemental Social Security Income, SSI, food stamps, Medicaid, except emergency assistance, as Mr. ROHRABACHER pointed out, Job Training and Partnership Act moneys, unemployment compensation and postsecondary student financial aid, each and every one of those that's specified in the language in this motion to instruct already is prohibited from going to someone who is here without documents as an immigrant. The only program that is listed that currently is not restricted is legal services, and that's of course because we have a Constitution that says someone who is being charged with a crime under this Nation's Constitution is afforded a right to counsel.

□ 1820

Unlike what the gentleman from California says in one of his "Dear Colleague" letters, this does not pertain just to the Legal Services Corporation provision of services. This is legal services of any sort. So there is a good chance the amendment of the gentleman from California [Mr. ROHRABACHER] is not only inaccurate in what it says it will do, but it is probably unconstitutional.

The sum of $2.2 billion is what the gentleman from California [Mr. ROHRABACHER] says this particular motion to instruct will save the American taxpayer. It will not do so, because most of the benefits that he lists are already restricted to the undocumented. But more than that, the gentleman from California [Mr. ROHRABACHER] is basing his judgment of $2.2 billion on a Congressional Budget Office report that said that $2.2 billion could be saved by a Senate bill that was raised back in 1993 that would have struck any provision in Federal law that would have provided benefits to the undocumented, including, and this is the main point, including emergency medical services that are reimbursed by Medicaid.

The gentleman from California [Mr. ROHRABACHER], just said, and he said to be compassionate, we do not restrict emergency medical services under Medicaid from reimbursement. So the money that is being saved under that 1993 Senate bill of $2.2 billion was based on the fact that emergency medical services would be denied.

I am not just saying it. Let me refer to a letter which I know the gentleman from California [Mr. ROHRABACHER] has, from Jean Hearne from the CBO dated July 13, which says:

In May of 1993, CBO was asked to provide an estimate of Senate bill 457, a bill that would prohibit the payment of Federal benefits to undocumented illegal aliens. CBO estimated this would save $2.2 in Federal Medicaid payments during the period of 1994 to 1998 because undocumented aliens would no longer be eligible to receive Medicaid reimbursement for emergency services.

The 2.2 billion is based on savings because there would be no reimbursements for medical services under Medicaid. As the gentleman from California [Mr. ROHRABACHER] just told us, he is exempting from prohibition the emergency medical services. Therefore, the $2.2 billion would not be saved.

We know from this that there would likely be no savings or negligible savings from this particular language in this motion to instruct.

But forget everything I have said. Do not worry about that. Do not vote based on anything I said. Do me a favor. I hope my colleagues will do me one favor. Listen to the following, and listen to a couple of speakers that will come up.

I hope Members will listen to this one last point: Regardless of what you think about the issues, regardless of whether you think it is appropriate for this Congress to repeat and just state, rubber stamp again what is current Federal law, which already denies the undocumented immigrant Federal services, if you want to make a political point, okay. But forget abut that and think about this one last point. With the language in this provision, you summarily deny an America national from the Island of American Samoa the opportunity to apply for Federal benefits. You deny individuals who are here as immigrants who are under the protected status of the U.S. law, like El Salvador nationals, the chance to be able to obtain some benefits while they are here under the legal protection of the law. Why? Because the language in this particular provision was drafted very hurriedly, and it excluded people who are here under a lawful status.

So regardless of what you think of the undocumented immigrant, understand what you are going to do to folks from American Samoa. You are telling them they cannot receive public benefits for which they probably paid a great deal of taxes for. I think for that reason alone, we should oppose this motion to instruct.

Mr. ROHRABACHER. Madam Speaker, will the gentleman yield?

Mr. BECERRA. I yield to the gentleman from California.

Mr. ROHRABACHER. Madam Speaker, the CBO memorandum that the gentleman read, who is that signed by?

Mr. BECERRA. It is a memorandum, so it is not signed. It was faxed over, so there is no signature.

Mr. ROHRABACHER. Is it signed by Mr. Reischauer or his deputy?

Mr. BECERRA. No, it is from Ms. Jean Hearne. We can find out if she is willing to subscribe by this.

Mr. ROHRABACHER. The documentation of the cost figures that I gave were documents signed by those individuals. Those individuals actually verified the statistics I gave before. What you have is a document not signed by the head of the organization that you are quoting.

Mr. BECERRA. Madam Speaker, let me reclaim my time and just say I am not trying to verify. Unless the gentleman from California [Mr. ROHRABACHER] is saying there is no such thing as a Senate bill 457 and the CBO report that was the basis for the analysis on that Senate bill is not the status of that, then I would yield to that. But that is not the case. Unless you are saying this person is lying, then I think there is a reason to question it.

Madam Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, first of all, let us note that there has been tremendous pressure put on the CBO to come up with certain figures about my proposal. The fact that we have a last minute reneging on figures that have gone out from CBO many months before, and now in the last minute we are presented a reneging on the part of the CBO and they come up with cooked figures, it suggests that at the CBO, there has been political pressure applied. I think that is evident to anyone listening here.

The figures that Mr. EXON used when he made his proposal in the Senate were backed up by the Congressional Budget Office. They are not my only source, however. The National Taxpayers Union and many other organizations have done studies indicating that the cost of illegal aliens in our society is in the billions and billions of dollars. If our friendly opponents on the other side are trying to convince us that there is no cost for illegal aliens in our society, and that this is bogus, why not just accept my amendment then?

If indeed what I am saying is already in the law, why is there such opposition to us reaffirming the law.

Mr. BERMAN. Madam Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from California.

Mr. BERMAN. Madam Speaker, does the Exon amendment, does S. 457 exclude emergency Medicaid services?

Mr. ROHRABACHER. Madam Speaker, the amendment does not exclude emergency aid. Let me note this: The fact that we are talking about here is how much that emergency aid costs. If it is your contention that all the costs of illegal aliens is just emergency aid, and that is the full $2.2 billion, we have a real problem in this country that we are providing $2.2 billion in emergency aid to people who are coming here illegally from all over the world. That cannot be what you believe.

Mr. BERMAN. If the gentleman will yield further, your amendment I think very appropriately excludes emergency Medicaid services, the only kind of Medicaid services for which people who are not here legally are eligible. It would make sense an estimate of $2.2 billion would be substantially less, once you exclude that service.

Mr. ROHRABACHER. Madam Speaker, I yield 3 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. McCOLLUM. Madam Speaker, I thank the gentleman for yielding. I think this is developing into an interesting debate over a motion to instruct conferees on something that is in the Senate crime bill but not in the House crime bill. There is a little lesson to be learned about this particular debate, about our procedures and what we have and have not been doing in the House.

For one thing, there is no major immigration reform bill of any type coming forward in this Congress, this last year or this year, although we have got a lot of problems that should be addressed. I serve as the ranking member on the Subcommittee on International Law, Immigration, and Refugees in the House, and I know for a fact that we have tremendous problems with the asylum laws of the Nation and the definitions that are there, what we should be doing to deal with the backlog of now almost 400,000 asylum applicants with no plan of the Clinton administration whatsoever to find a way to reduce that huge backlog and many other areas of immigration reform that should be addressed.

However, today, we have a very limited opportunity to address this on the kind of technical procedure we are involved with here, because the Senate does not have the same rules of germaneness the House does. On their crime bill, Senator EXON did put this provision in we are discussing today. The gentleman from California is seeking to instruct our conferees in the House-Senate conference to recede to the Senate on this point and let this one immigration matter, with a welfare overtone to it, get passed.

I might add, we also do not look like we are going to see a welfare reform bill, despite the President's stated intentions, during this Congress. We do not have much time left, and I see no movement to do that.

This is the only opportunity we have to address the matter.

□ 1830

Now, I pose a query, if all of these matters are covered, and I do not believe they are, by present law, excluding all the illegal aliens from the various benefits that are proposed to be excluded under this proposal, then why

is there such an objection to this anyway? I heard a couple of things being raised on the other side of the aisle, but they sound exceedingly technical to me. I do not read in my interpretation of the language anything so abhorrent about it.

I would say to my colleagues that ther are technical matters of coverage that are not presently excluded for illegal aliens, people who are here who are receiving benefits, welfare benefits, and other benefits.

Madam Speaker, one of the problems is the so-called PRUCOL area that was described by the gentleman from California a moment ago. We have left in the law various loopholes for those who are not really here legally to be receiving various and sundry benefits under some of these provisions that are covered by the so-called Exon proposal that we are here asking our conferees to accept.

There is no reason why we should not close that loophole, and that is what at the very least this would do.

As far as legal services are concerned, I would remind my colleagues that the very stated language of this provision says that no direct Federal financial benefit or social insurance benefit may be paid for legal services. We are talking now not about cutting off the opportunity for criminal assistance by State public defenders. That is State law and a State matter. We are talking about Federal benefits.

I would encourage the adoption of this. I think this is an excellent motion to instruct, and it really should not be that controversial.

Mr. BECERRA. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. BONIOR], the majority whip.

Mr. BONIOR. Madam Speaker, supporters of this amendment would have us believe that as we have just heard that this bill would just apply to undocumented immigrants, that it would just exclude undocumented immigrants from receiving certain services.

But the truth is, the truth is that current law already does what the gentleman from California is trying to do with his amendment.

Undocumented immigrants are already excluded from receiving aid to families with dependent children. They are already excluded from receiving supplemental security income. They are already excluded from receiving food stamps. They are already excluded from receiving Medicaid.

Current law excludes undocumented immigrants from receiving these services. If that is the intent of the gentleman from California [Mr. ROHRABACHER], we do not need it. But in fact, the Rohrabacher amendment is not just limited to undocumented immigrants. As the gentleman from California [Mr. BECERRA] has so eloquently pointed out at the beginning of this debate, this amendment will not just affect undocumented immigrants. It affects the legal, documented immigrants as well.

The fact is, this amendment is drafted in such a way as to exclude people who are lawfully in the United States from receiving benefits that they are eligible for under the law, because of constitutional requirements under our system of government which the gentleman from California [Mr. BECERRA] referred to and because of benefits earned.

We will hear more about that as other speakers speak, Madam Speaker.

Madam Speaker, we may have disagreements about how best to deliver these services. We may have disagreements about who is eligible to receive services, and we may have disagreements about who is covered under these agreements and the services. But this is a crime bill. It is not a welfare bill. And this is not the place to address these issues.

Once again, the gentleman from California is trying to take, I think, a highly emotional issue, an issue that has nothing to do with this bill and waste the time of the House to debate something that he knows is best addressed elsewhere.

The fact is, what he claims this bill will do is already part of current law. And what he will also do with this amendment is exclude people who are lawfully entitled to the benefits through our constitutional guarantees and through other means which we will hear in a little while.

I urge my colleagues to vote "no" and against the Rohrabacher motion.

Mr. ROHRABACHER. Madam Speaker, I yield 3 minutes to the gentleman from California [Mr. COX].

Mr. COX. Madam Speaker, it is difficult to imagine that the language that we are now debating was drafted by a Democratic Senator and was voted for by every liberal in the U.S. Senate, comprised, last time I checked, of many Democrats and many liberals. The vote was 85 to 2 in favor. Only 2 out of 100 U.S. Senators voted against this amendment.

My colleague, the gentleman from Michigan [Mr. BONIOR], made it seem as if somehow there was something wrong or something not liberal with this amendment. In fact, the Rohrabacher motion is a motion to instruct. There is no Rohrabacher language. This is Senator EXON's language. It is not changed one iota.

All that my colleague from California is asking this body to do is what the other body already did by a vote of 85 to 2. And of course, we in California, which have over half of the Nation's illegal aliens, are especially concerned about this. And thus, we ought not to be surprised that Democratic Senator BARBARA BOXER, our former colleague here in the House, and that Democratic Senator DIANNE FEINSTEIN of California voted in support of this.

There is no reason whatever that Democrats in the House hold en masse behave differently than Democrats in the Senate, unless somehow there is a political fix in and this is not on the level. But I cannot imagine that that is so.

We are told that because this is a crime bill, we cannot vote for this motion to instruct. Yet the language is already in the bill. Four years ago this very same thing happened. Four years ago Senator EXON had a similar bill passed, but the House and Senate negotiators dropped it out of the final bill. That is why we need a motion to instruct. Otherwise this is all a charade, providing political cover for Senators in an election year. We would not want that.

We are told that all of these programs already deny benefits to illegal aliens. If that were true, why would we get this resistance? Why would Members not want to go ahead and vote "aye" on this motion to instruct?

The answer is that current law is not enforced.

Current law is not enforced. Yes, it is true that in theory the law prevents an illegal alien from picking up welfare benefits, from picking up food stamps, from picking up SSI. And yet, certainly in California, certainly in Texas, certainly in New Jersey and New York and Illinois, Arizona, and Florida, we all know that illegal aliens do this every day because they break the law with some success and because those laws are not enforced.

As a matter of fact, the assassin of Mr. Colosio, the PRI candidate for President in Mexico, was an illegal alien in California, registered to vote in California, who actually voted in two Democratic primaries.

These laws must be enforced. They are not enforced, and in order to enforce them, we need the Exon language. That is why what the other body accomplished is not an idle act. That is why it is so important.

The Exon language begins, "Notwithstanding any other law, no direct Federal financial benefit or social insurance benefit may be paid."

This is a vitally important measure. I urge my colleagues to vote "aye" on this motion to instruct.

Mr. BECERRA. Madam Speaker, I yield 2 minutes to the gentleman from California [Mr. MINETA], the distinguished chairman of the Committee on Public Works and Transportation.

Mr. MINETA. Madam Speaker, I rise today in strong opposition to the motion to instruct on the crime bill offered by the gentleman from California [Mr. ROHRABACHER].

The drafters and supporters of the amendment in question thought, no doubt, that it struck only at those who are illegally in this country.

Well, Madam Speaker, nothing could be further from the truth. The amendment does not affect the undocumented at all in the programs it lists. The undocumented, under existing law, are already ineligible for every single one of them.

This amendment was aimed to strike at illegal aliens, but it does not affect them at all.

The people it would affect, however because it was so poorly drafted, are American Samoans and other nationals of the United States living legally in this country. That is why, as Chair of the Asian Pacific American Caucus, I am asking my colleagues to vote "no" on this motion to instruct.

American Samoans are U.S. nationals, and when they come to this country, they are here legally. They pay taxes just like every other legal resident, and they receive social services benefits just like any other legal resident.

The amendment which the gentleman from California would have us support would strip U.S. nationals and American Samoans of their eligibility for legal aid assistance, AFDC, and Medicaid. American Samoan students going to school here would lose their guaranteed student loans.

Madam Speaker, that is flatly wrong—and I am positive that it was never the intention of either the author of the amendment in the other body or the gentleman who offers this motion to instruct from California.

But the fact remains, the amendment in question is poorly drafted, it accomplishes nothing with regard to the undocumented, and it would inflict real pain on territorial citizens who are legally in this country.

So I urge my colleagues to join me in voting against the Rohrabacher motion to instruct.

Mr. ROHRABACHER. Madam Speaker, I yield myself 1 minute.

First of all, Madam Speaker, this language, which was voted on by 85 U.S. Senators, including almost all of the leadership of the Democratic Party, minus just two people who opposed it, makes it very clear in the language that we are talking about people who are not lawfully present within the United States. It defines what is not lawfully present very clearly. This is what their own leadership voted on 85 to 2.

However, as my colleague, the gentleman from California, pointed out, sometimes people do things in the other body when they are just trying to make a political point because they think that here we will be prevented from acting on this side. I do not know if that is the case on this side. I would hate to think that people were making political points.

Madam Speaker, under current law, the illegal immigrants are not, are not, excluded by current law under the Job Training Partnership Act and college aid. This proposal today deals specifically with those two programs. If it is illegal for an immigrant trying to come here and have a job in the first place. We always hear from that side, why should we give them free job training? It is crazy.

Mr. ROHRABACHER. Madam Speaker, I yield 2 minutes to my colleague, the gentleman from San Diego, California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Madam Speaker, so may times we are on the House floor and we have heard that the problem of illegal immigration is best addressed elsewhere. When we had an earthquake with illegals applying for services, it was best addressed elsewhere. When we had an education bill on the House floor, it was best addressed elsewhere. In committee, on the health care bill, it was best addressed elsewhere.

Madam Speaker, we need to come to task with the problems that we have in this entire country on illegal immigration. Why has the gentleman from California [Mr. ROHRABACHER] brought this to the floor? It is not just the issue that he is talking about. In the State of California, and especially the border States, illegal immigration is costing American taxpayers and preventing health care and education from Americans. We have to come to grips with that.

Illegal aliens are receiving services today, not only in the State of California, but all over this Nation. It has been by reputable factors $37 billion a year that it costs this Government for illegal aliens in this country, in the United States, $37 billion a year. Now take that times five, over a 5-year period, take half of that. Say "DUKE, your figures are inflated." That is $93 billion. You want to figure out how to pay for the other 5 percent of the health care bill? There it is. It would be easy to cover Americans instead of illegal immigrants in the services that they receive. Only those illegal aliens already that are not affected, I want to tell the Members I can take them down in San Diego and show them five different places where someone can get an ID card saying you are an American citizen as an illegal alien. Again, that is why we need an ID card that specifies if a person is an American citizen or not.

Mr. BECERRA. Madam Speaker, I yield 2 minutes to the gentleman from Kentucky [Mr. MAZZOLI], the distinguished chairman of the Subcommittee on International Law, Immigration, and Refugees of the Committee on the Judiciary.

Mr. MAZZOLI. Madam Speaker, I want to thank my good friend, the gentleman from California, who is a very valuable member of the subcommittee, for yielding me this time.

Madam Speaker, I have somewhat of a different opinion than the gentleman does about what we should do on this amendment, or on this motion to instruct. Let me say, Madam Speaker, first of all I do not feel it is appropriate to use the term "illegals," as the gentleman from California has used in his letter to all of us. I think it is a disparaging term and I think it ought not to be too quickly resorted to because it conjures up a lot of emotionalism that I think this debate does not need. We have enough emotion in looking at it straightforwardly.

Madam Speaker, having said that, and also what my friend, the gentleman from California [Mr. BECERRA], has said, this is really a crime bill, and this proposed instruction really has no place here. It was a very hastily drafted amendment. The gentleman and I have talked about the loose wording in here, the uncertainty of some of the phrasing, and it can be actually speculated, as my staffers said, that it, might actually expand rather than contract the types of people who might get these benefits.

But having said that, I think that my problem here is based on the fact that as long ago as last October, October 1993, our subcommittee reported a bill which was a bill drafted by the gentleman from New York [Mr. SCHUMER], the gentleman from Florida [Mr. MCCOLLUM], and myself, the gentleman from Kentucky, dealing with asylum reform, dealing with the question of expedited exclusion of people who try to come into the country illegally using asylum as the recommendation, and then trying to have some preclearance, so people are prevented abroad from coming in here using false and fraudulent paper.

That bill was passed by our subcommittee. It has languished, and I use that term advisedly, languished at the full committee since October 1993. I even asked as recently as today what the prospects are of taking up that sensible, multifaceted, balanced, highly principled bill that would do something about the back door.

Madam Speaker, let me just say that I think the instruction of the gentleman from California [Mr. ROHRABACHER] ought to be adopted. I think it would help to do something about closing the back door in order that we could keep the front door open.

Mr. ROHRABACHER. Madam Speaker, I yield myself 1 minute.

Madam Speaker, illegal alien is a pejorative term and we certainly do not feel right about using terms that are not positive terms about other human beings, but when you struggle to try to find definitions of what is going on, the fact is many people are coming into our society illegally and they are participating in services, they are consuming money that was supposed to go for benefits for our own people, and when we struggle to come up with funds for different programs here, and we know

that we are not even providing all the funds we need for our own people, and then we find out that someone who has come out illegally from another society is consuming those resources, it is not right.

Mr. MAZZOLI. Madam Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Madam Speaker, I do not argue the righteousness of anything. What I do argue is the use of the terminology. I do take issue with the gentleman's terminology, because I think it disparages people, human beings, many of whom are here doing good things and working hard and making a go of it, adding in some cases burdens to States like the gentleman's, but I think what it does is add an emotional edge. It puts a context here which is very difficult for us to deal with.

Mr. ROHRABACHER. Madam Speaker, reclaiming my time, it is emotional for a lot of people who depend on programs. In California they see money that should be going for their own children's education being eaten up by a flood of illegal immigrants from other countries.

Yes, it is emotional for them, and we do not want to create hatred between one person and another, but the worst thing we can do is let this problem fester and continue to have an invitation to people from all over the world to come here.

Mr. MAZZOLI. If the gentleman will continue to yield, that is the point of the gentleman from Kentucky, unless we do something to end this festering, we are going to have a worse problem.

□ 1850

Mr. ROHRABACHER. Madam Speaker, I yield 30 seconds to the gentleman from Illinois [Mr. HYDE]

Mr. HYDE. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, I just want to see if I can add to the discussion. The term "illegal alien" is harsher than "undocumented worker," there is no question. I do not know which is more accurate, however. But we do use a lot of terms that I think we could soften. I have often thought a bank robber could be called a holder not in due course. A dope dealer could be called an unlicensed pharmacist. There are lots of changes we could make. I should commend them to my friend.

Mr. MAZZOLI. Madam Speaker, if the gentleman will yield, the gentleman from California [Mr. ROHRABACHER] did not use the term "illegal alien," he used "illegals," i-l-l-e-g-a-l-s, and "illegals" has a pejorative connotation that "illegal alien" does not have.

Mr. BECERRA. Madam Speaker, I yield 3 minutes to the gentleman from California [Mr. MATSUI], the distinguished chairman of the Subcommittee on Trade and the ranking majority member of the Subcommittee on Human Resources of the Committee on Ways and Means, which, of course, is the committee that would have jurisdiction over these issues relating to public benefits.

Mr. MATSUI. Madam Speaker, I thank the gentleman from California for yielding me the time.

Madam Speaker, I might just say that the gentlemen on the other side of the aisle have made reference to the fact that on the Senate side, 85 Members, liberals included, voted for the Exon amendment. Let me explain why that happened, I believe. The Exon amendment passed the Senate floor on November 5, 1993, last year. I do not believe a lot of attention was paid to that legislation on the Senate side when it was passed. We received some 6 days later on November 11, the Committee on Ways and Means which has jurisdiction over many of these benefits, from the American Law Division of the Congressional Research Service which all of us use as an authoritative body that analyzes legislation, the CRS said 6 days after the Exon amendment passed, "The primary effect of the Exon amendment as adopted may be to deny AFDC, SSI, full Medicaid coverage, and unemployment compensation to aliens," now, listen, "allowed to remain in the United States under certain exercises of administration discretion."

Madam Speaker, it will not affect illegal aliens, because illegal aliens are not allowed to collect benefits under current law. The gentleman did talk about the Job Training Partnership Act. We will close that loophole when we deal with the retraining legislation if, in fact, it is a problem.

I will say to the gentleman that it is an issue of enforcement in terms of making sure illegal aliens do not receive resources. What the gentleman is going to affect is people who are residents in this country, permanent residents in this country under color of law. They got here perhaps on an illegal basis, but because the Immigration and Naturalization Service feels that for some reason they should stay through their discretion, by laws passed by the United States, now we are going to deny those legal residents, although they are illegal aliens in the true sense, benefits.

Madam Speaker, the gentleman is just going to affect a small number of people but people that have been welcomed into this country, and it is not going to have any impact on illegal aliens because it is an issue of enforcement.

Madam Speaker, I might just conclude by saying, I do not question that the gentleman's amendment or proposal will pass. But it is a shame that this issue is brought up in the way it is, because frankly I think reality would say that this is an issue that is being exploited time and time again in the recent past.

Mr. ROHRABACHER. Madam Speaker, I yield 1½ minutes to the gentleman from California [Mr. COX].

Mr. COX. Madam Speaker, I would like to respond to the comments of my colleague, the gentleman from California, by saying that it is not the intent, I do not think, of the amendment as drafted, neither is it the intent of any of the Senators, the 85 of them who voted for it, to include within the term "persons not lawfully present within the United States" people who actually are lawfully present within the United States. I do not believe a judge would ever interpret those words in that fashion.

Madam Speaker, the argument that is being made would require a Federal judge to interpret the words "persons not lawfully present within the United States" to mean people who are lawfully present within the United States, that is the only way to reach the territorial residents referred to and so on.

Mr. MATSUI. Madam Speaker, will the gentleman yield?

Mr. COX. I yield to the gentleman from California.

Mr. MATSUI. Under the CRS report on this issue, it basically says that those that are permanently residing under color of law do not necessarily reside legally in the United States, but what they are allowed to do is through an administrative action stay in this country but are not under any illegal categories in this country.

Mr. COX. Madam Speaker, in a colloquy off the floor, another one of our California colleagues on the Democratic side and I discussed this. There is no question that the list of categories in the definition of the term "persons not lawfully present within the United States" should be if and when our conferees get a chance to include this language in the crime bill, should be deemed inclusive rather than exclusive. But we have to keep in mind here, we are voting on a motion to instruct. Routinely our conferees reject our instructions. We ought to clearly with one voice let them know we want to cut out welfare benefits for illegal aliens. That is the point of the Exon amendment.

Mr. BECERRA. Madam Speaker, I yield 2½ minutes to the distinguished gentleman from California [Mr. BERMAN], chairman of one of the subcommittees of the Committee on Foreign Affairs.

Mr. BERMAN. Madam Speaker, I think this debate can at least get the author of the motion to instruct, whom I have great respect for, and I know he believes in what he is doing, to acknowledge that there is some obligation here to draft precisely when dealing with these kinds of issues. The fact

is the way the motion to instruct is drafted and by incorporating the Exon amendment, what the gentleman has done or what he is urging the conference committee to do is to pass a law which excludes from a whole series of benefits they are otherwise eligible for, Nicaraguans who fled the Sandinistas in the mid-1980's who were granted temporary protected status in 1990, who were then given deferred extended departure status in 1992 and who would like to apply, perhaps, because their parents are part of the working poor, they are getting straight A's in school and they want to get some kind of college assistance, people who we have given work authorization to, who we have said can live in this country.

The gentleman from California [Mr. ROHRABACHER], my friend, does not want to exclude these people from these kinds of programs. He does not want to tell American Samoans that they cannot get certain kinds of benefits. He does not want to tell people whom we have allowed to come into this country under the Cuban-Haitian Entrance Act that they are ineligible for the whole series of benefits and the people he does want to tell that they are not eligible are for the most part already ineligible for the programs the gentleman is mentioning.

I think the gentleman has an obligation as the gentleman from California [Mr. COX] I think at least implied to draft this language correctly. The gentleman says, "Oh, we are only talking about persons not lawfully present within the United States." But look at the language.

In this section, "persons not lawfully present in the United States" means persons who at the time they applied for, receive, or attempt to receive, a Federal benefit are not either, and then the gentleman specifies a series of things, and he leaves out a large number of other people. He leaves out registry entrants who were here before 1971 and, therefore, under the pre-1986 immigration law are here legally at this particular time and they have work authorization. The gentleman leaves out U.S. nationals from the U.S. territories. The gentleman leaves out persons granted withholding of deportation status and a whole series of categories by the way this is done.

The gentleman does not want to do that, and I think since apparently a motion to instruct can be made every day, he can come back tomorrow with one that is drafted right.

I urge a "no" vote on this one.

□ 1900

Mr. ROHRABACHER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I think that most people who are listening to this debate understand we are talking about language that has already passed the U.S. Senate. It is good language. The fact is we are trying to do something that has been needed to be done.

I am totally frustrated on this issue, because I have to go to such great lengths to get a vote. Finally, we have a vote, an up-and-down vote on the issue of benefits for illegal aliens.

People who followed this issue know that I have to go so far as to ask people to oppose a motion to rise so that I can then get a vote on the issue.

Do not tell me to come back tomorrow. I cannot come back tomorrow, because you will not give me an up-and-down vote on this issue. You will not give anybody on this side of the aisle who has been struggling so that we do not have to waste our resources on people who are coming here illegally. You will not give us those up-and-down votes.

Now, we had an up-and-down vote in the Senate, and that is why it passed so overwhelmingly, 85 to 2.

So do not tell me to come back and draft it again. I did not draft it. A Democratic Senator drafted this language.

Under current law, under the Job Training Partnership Act, the college aid goes to illegal aliens. This will cover that. People who have come here temporarily, whom my last colleague just mentioned, if you come here temporarily, whether from Nicaragua or elsewhere, if you overstay the time you are permitted to be here, you should not be collecting welfare; you should not be getting college aid. That money should be going to our own citizens.

We are taking food out of the mouths of our own people if we refuse to be responsible when it comes to aid to illegal aliens.

Madam Speaker, I yield 1 minute to my colleague, the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Madam Speaker, I thank the gentleman for yielding me this time.

The other previous speaker from California mentioned how this body is reluctant to deal with the issue of illegal immigration.

We hear a lot about gridlock. This is majority party gridlock at its finest. This is the same old thing. We cannot get a good bill on the floor because we cannot get it through the Committee on Rules or through subcommittees, and so we are here one more time, not here, not now, not this time, not this committee, not this vehicle, not this subcommittee. Now, it is a drafting problem, from people who routinely pass bills they have never read.

I certainly hope that the other side of the aisle is just as careful when it comes to health care, because we are going to be passing some bill that will be about that thick, and none of us will get it until the day of the vote.

I hope everybody keeps this in mind.

Madam Speaker, as you know, this is only a motion to instruct. If there is a true language problem and not just a political problem here, then the conferees can work that out. If that is the case, the counsel confers with it. This is saying we are making a statement about benefits to non-Americans, non-tax-paying people who are in our country.

Mr. BECERRA. Madam Speaker, I yield 3 minutes to the distinguished gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Madam Speaker, outside of the jurisdictional, nongermaneness issues, there are a multitude of major policy shortcomings with the Exon amendment that have been aptly pointed out by my colleagues.

I join my colleagues in their objections and concerns. As a Member representing the Territory of American Samoa, I am particularly concerned with the sloppy drafting of this measure.

Let me say why. Although it may be intended for the measure to prohibit Federal benefits from being received by those illegally in the United States, the way the measure is drafted though, unfortunately, is that as presently constituted, the measure would disqualify some 100,000 U.S. Nationals currently living in the United States; for that matter, even those of my constituents living in the territory of American Samoa.

What is a U.S. national? Madam Speaker, by definition of the Immigration and Naturalization Act, a U.S. national is any person who owes permanent allegiance to the United States but who is neither a citizen or an alien, and our territory seems to have the distinct honor of being classified under this Federal statute of being the only U.S. nationals currently living under the U.S. flag.

Madam Speaker, U.S. nationals have fought and died at least for all the wars that our country has faced, and I want to say that the gentleman's motion will, in effect, deny thousands of U.S. nationals who served honorably in the armed services the benefits that I certainly feel they should be allocated like all others legally residing here in the United States.

So I ask my colleagues to defeat the motion to instruct.

Mr. BECERRA. Madam Speaker, I yield 3 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Madam Speaker, this may come as quite a shock to my good friend from California, but I do think if we are going to have a motion to instruct, we might take a look at what is actually written in the bill. That would be strange for some of us, because you are intent today upon exploiting anxieties and fears over immigrants.

Every time someone brings up something that actually shows the weakness of the language that has been

drafted here, you go off on a tangent about illegal aliens. The fact of the matter is that the definition under this prohibition on payment, section 5102 that you are referring to, leaves vulnerable all American nationals.

I agree with the gentleman from California [Mr. BERMAN], and I am sure you did not intend to do that, and what you need to do is draft language where the meaning is precise. This is legislation, friends, that we are passing on behalf of the people of the United States. This is not something to appeal to your constituents on the political fashion of the moment, and we ought to respect this institution enough not to pass slopping language that, in effect, says it is all right to be an American-Samoan and die for this country, it is OK to play football in southern California and exploit them that way, it is OK to take 100,000 people; after all, that is not very many. And so what if we have to use them up? So what if they have to be sacrificed on the great altar of bashing immigrants because that happens to be something that will sell in someone's political constituency today?

These are people. These are American nationals. They are not a drafting problem. Someone has stood up today and actually said, "So there are a few drafting problems, pass it anyway. We can sell it."

Look, we are better than that. We have had this conversation before, my good friend from California. You do not really want to do this kind of thing to people. You would be the last person. We know one another. You would be the last person to say let us sacrifice American nationals like loyal American-Samoans, because you want to get at a greater issue.

I understand the bigger issue that you want to get to. This is not the way to do it. This is a motion to instruct, and it is a motion to instruct on very bad language, and if that language is written by a Democrat, it should be denied; if that language is written by a Republican, it should be denied.

You cannot come down here and say, "Well, the Democrats wrote it, and it is not very good language, but because they did, we can take advantage of it and do something for another purpose." What we need to do is remember that this is a motion to instruct, and it is language that I do not think anybody can look the gentleman from American Samoa [Mr. FALEOMAVAEGA] in the eye and say, "Well, it is too bad you people have to go on the altar, but we had a larger purpose in mind. We wanted to make sure that everybody knows we are on the right side with respect to illegal immigrants, illegal aliens," or whatever the fashionable phrase of the moment is.

If that is what you want to do, let us draft language to do that. You are capable of it. You have spoken on this issue very, very clearly; let us not take the language and try to make something good of it.

Let us defeat this motion. Put language forward that you can be proud of.

Mr. ROHRABACHER. Madam Speaker, I yield myself 1 minute.

The language is very clear in this bill. It states very clearly that it is aimed at those who are illegally residing in the United States. That is illegally residing in the United States.

This idea that I can just go back and write something else: The American people who have been watching this either at home or are reading about it in the CONGRESSIONAL RECORD should understand that the people making that argument know full well that I am not permitted to do that, and every time that I have tried over and over and over again to try to get a vote on the issue of illegal immigration into this country, I have been cut off one time after another. Very rarely do I ever get even close to a vote, and there is a reason, because of that. The reason is that on that side of the aisle, which controls the debate here, you do not have a clean debate on whether or not we should give benefits to illegal aliens.

This language is clear. It is aimed at those illegally residing in the United States. If those illegally residing in the United States should not get benefits, you should vote "yes" on my proposal.

Madam Speaker, I yield 2½ minutes to my colleague, the gentleman from California [Mr. BAKER].

Mr. BAKER of California. Madam Speaker, I have only spoken on this issue once, but I have seen so many red herrings flying around this room tonight, I think we will review the issue from a Californian's standpoint.

The sum of $2.8 billion in California's thinly passed budget this year goes to illegal alien benefits.

□ 1810

That is the problem. The problem is we are paying $350 million to house 14 percent of our State prison population, which is not and has never been in California legally. Twenty-one thousand dollars per year we spend on each prisoner. Fourteen percent of our population, around 20,000 of our prisoners, in California are here illegally and came here not for opportunity but to commit crimes. That is the problem.

Over a billion dollars is spent in educating people who came to California illegally. That is the problem.

We spend over a billion dollars in California in health and welfare expenditures, health and welfare expenditures for people who came to California illegally. That is the problem.

What Mr. ROHRABACHER is doing is repeating a Senator Exon amendment to the crime budget which says in his letter to us:

I have been trying to get an amendment passed since 1988 which would cut off funding to illegal aliens.

Now, we have heard of all of the screwball definitions of illegal, but I am not a lawyer so I just read it as meaning not legal. Senator EXON said also:

I have designed this amendment to prohibit the payment of Federal benefits to illegal aliens. That amendment is a modification of a bill I have introduced in this Congress since 1988. At times I quote this to show how far out of step Congress is with the taxpaying public, at times due to congressional inaccuracy or expansive court interpretation, Federal statutes have been used to provide Federal financial benefits for illegal aliens. The amendment which I offered set a basic governmentwide policy.

A basic governmentwide policy, "prohibiting the payment of such benefits." That is what we are asking. Let us uphold the law. If we have laws against illegal aliens entering this country and laws which require people to stay here 5 to 10 years in order to come here legally, then we ought to uphold those laws.

Mr. BECERRA. I yield myself 30 seconds.

Just quickly in order to respond: It bothers me no end to constantly hear people throw out these numbers that they know they cannot prove. On several occasions I have asked my colleagues, Mr. BAKER and Mr. ROHRABACHER, to provide me the documentation of these very inflated numbers that they continue to cite. Not once, not once have they responded to give me the documentation or the source for that information. Why? Because they cannot provide it, but it sounds very good.

Madam Speaker, I yield 1 minute to the distinguished gentleman from Maryland [Mr. MFUME], chairman of the Congressional Black Caucus.

Mr. MFUME. I thank the gentleman for yielding this time to me.

Madam Speaker, may I ask the gentleman from California [Mr. ROHRABACHER] for some clarification on this issue of American national, which I thought was rather clear? Is the gentleman saying that the bill does not exclude American nationals from receiving benefits?

Mr. ROHRABACHER. Madam Speaker, will the gentleman yield?

Mr. MFUME. I yield to the gentleman from California.

Mr. ROHRABACHER. I thank the gentleman for yielding.

Madam Speaker, it is aimed specifically at people who are not lawfully present in the United States. The intent of this is very clear. When it gets into conference, if there is any lack of definition, they can clear it up. But to me it seems very clear that they are not lawfully in the United States.

Mr. MFUME. I happen to have the bill here, and on page 831, this is the wording:

(c) "Persons not lawfully present within the United States" means persons who at the time they applied for, receive, or attempt to

receive a Federal benefit are not either a United States citizen, a permanent resident alien, an asylee or asylee applicant, a refugee, a parolee, a nonimmigrant in status under the Immigration and Nationality Act, * * *.

So, technically, then, if you are from American Samoa and you have fought and died for this Nation and just happened to be living here at the time and you go and apply, because you are not a citizen, you are not qualified?

Mr. ROHRABACHER. I do not believe 85 Members of the Senate intended that. That would never be upheld by any court whatsoever. Obscuring the issue in that way is not going to hold water.

Mr. MFUME. Madam Speaker, I have a unanimous-consent request: May the gentleman from California and I proceed for another 30 seconds?

The SPEAKER pro tempore (Ms. KAPTUR). The gentleman from California [Mr. BECERRA] has the time.

Mr. MFUME. I am making a unanimous-consent request.

Mr. LINDER. Madam Speaker, reserving the right to object, is there time left on each side?

The SPEAKER pro tempore. There is time left on each side. There is 3 minutes on this side and 4 minutes on this side.

Mr. LINDER. So if there is time left on each side, Mr. MFUME has the right to get more time from Mr. BECERRA.

The SPEAKER pro tempore. That is correct.

Mr. LINDER. I object.

Mr. BECERRA. Madam Speaker, I yield 30 seconds to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. I thank the gentleman for yielding.

Madam Speaker, let me say I understand this was drafted on the Senate side and by a person who happens to be a Democrat, but that individual is absolutely wrong. This is bad language, and we are hurting people who have fought and died for this country. While many people might want to move toward supporting this, this is such a discriminatory act the way it is drafted that I think it requires a defeat, and I would urge Members of this House to defeat it.

Mr. ROHRABACHER. If the gentleman is only concerned about technical problems, he knows those things can be taken care of. The fact is that that is not the intent of this bill. The intent is to hit illegal aliens.

Mr. BECERRA. Madam Speaker, I have one additional speaker and 30 seconds to close. I do not know if the gentleman from California [Mr ROHRABACHER] has additional speakers.

Mr. ROHRABACHER. Madam Speaker, do I have the right to close? And if so, how much time do I have?

The SPEAKER pro tempore. The gentleman from California [Mr. ROHRABACHER] has the right to close, yes, and there are 3 minutes remaining on his side. There are 3½ minutes remaining on the other side.

Mr. ROHRABACHER. Madam Speaker, I reserve the right to close.

Mr. BECERRA. Madam Speaker, I yield 3 minutes to the distinguished gentlewoman from the State of Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Madam Speaker, this is not a matter to be lightly considered. The House is being asked to instruct conferees on a crime bill. The amendment that we are debating today is really nongermane, as far as the House rules are concerned. But someone has felt it important to instruct our conferees on a matter that has been raised in the Senate.

We are being asked to adopt language that was inserted in the Senate that could egregiously hurt and harm at least 100,000 persons who live in the continent of the United States and in my State of Hawaii; at least 100,000 persons from American Samoa who have come into the United States by right because they are U.S. nationals, and yet, unthinkingly a Senate provision is going to say to these individuals, who are just like us, who are represented by the gentleman from American Samoa [Mr. FALEOMAVAEGA], who is here as a Member of this body, that somehow because you come from American Samoa and because the designation you have received under the laws of this country is not as a U.S. citizen but as a national, that from henceforth because we have deemed it to be because of defective language, that these individuals cannot get student loans, cannot get any of the entitlements of unemployment compensation when they work in my district and they lose their job, are not entitled to all the other benefits like you and I. We are being asked to adopt defective language which goes against the public policy of this institution.

Why have we allowed ENI to sit in this Chamber unless we have accepted the fact that he and the people he represents are just like us, American citizens? Let us not just dismiss this as defective language; we are being asked to put aside a very important principle which was accepted under the Constitution, to allow American Samoans to come in and be part of this country and to receive all the benefits and entitlements of this country and, yes, to go to war and die for this country.

So please, do not be dismissed by the notion that we can go to conference and fix it. This is not our idea. Our conferees can discuss it. They can bring it before the table and debate it.

What we are being asked is to endorse, to give thus the approval of this language which has no place in any deliberative body in the United States, which discriminates and denigrates citizens of this country who belong here but who, because of their status, are regarded as U.S. nationals.

I rise in great indignation this afternoon and ask you to vote down this motion to instruct.

□ 1920

Mr. BECERRA. Madam Speaker, Members, please do not close your eyes to defective language. We are asking the highest body of this Nation to do what we would not expect a first grader, a sixth grader, or a twelfth grader in our schools to do, and that is to accept something that we know is wrong.

It makes no difference what the intent of the Senators or the Representatives in this House is. We all know that it is the letter of the law, the express meaning of each word, that counts. If we pass this, we know what will happen. American Samoans will be deprived benefits.

I say to my colleagues, "Don't pretend you do something with a bill that it doesn't do. This doesn't help. It just hurts."

I urge my colleagues to oppose this motion.

Mr. ROHRABACHER. Madam Speaker, I yield such time as he may consume to the gentleman from California [Mr. BAKER].

Mr. BAKER of California. Madam Speaker, it is a sophomoric debating technique to challenge one's opponent to give them some facts.

On August 31, Madam Speaker, the gentleman from California [Mr. BECERRA] asked me for facts regarding illegal aliens and the expenditures in California. On September 3, 1993, for eight categories I sent the gentleman those facts.

Mr. BECERRA. Never got them.

Mr. BAKER of California. It does not surprise me.

Mr. ROHRABACHER. Madam Speaker, I yield myself the balance of my time.

There have been articles; there have been studies; there have been countless studies and examinations of the illegal alien problem, and all the ones that I have seen conclude that the flood of illegal immigration into this country is causing a great hardship upon our people. It is stretching our own social infrastructure to the breaking point.

We are being told by the other side that that is already taken care of, go ahead, vote against Rohrabacher because the illegal alien problem is already taken care of. Well, if my colleagues do not believe there is an illegal alien problem in this country, fine. Vote against what I am proposing today. But if they believe that the millions of illegal aliens that have come into our country are consuming limited, scarce benefits that should be going to our people is a major problem in our society, they should be voting for my proposition because I probably will get very few chances of ever presenting this on the floor again.

Madam Speaker, I have time and again had to go through maneuvers on

this floor to try to get a vote and have been denied almost every time a chance to get a direct vote by those people who now say, "Just correct the language and come back and get another vote when it's absolutely perfect." There was a vote on this issue. It was 85 to 2 in the Senate.

Now we are told that all of those Senators, including the two Senators from my State, well, they were too imperfect to pass it here in the House. I would think that there might be some other motivation besides total perfection in terms of the opposition to my proposal. The fact is that, if there is, and I deny that there is any problem in terms of the issue that is being brought up, the fact is, if there is a problem, everyone on that side knows, and everyone here knows, we have worked here, it could be cleared up in conference committee, made absolutely perfectly clear.

Madam Speaker, there is no problem with that at all. What the real opposition to my proposal is is that those folks who are opposed to this proposal, the fact is that they do not want to deal with the illegal immigration issue no matter how we bring it forward. They believe that we are being inhumane.

I say to my colleagues, "I grant you you have good hearts, you are wonderful people. The fact is we all have love in our hearts. I say we have a responsibility to our own citizens to make sure that those very scarce resources that we have in this country are channeled to our own citizens rather than to illegal aliens."

Ms. HARMAN. Madam Speaker, to date, the debate on illegal immigration has been marked by a great deal of vitriol and relatively little wisdom. On one extreme, there have been those who claim that immigrants—both legal and illegal—are responsible for every ill facing this country. And on the other extreme, there are those who claim that borders are meaningless, and that there is no such thing as an illegal immigrant.

This motion today provides a rare opportunity to be reasonable. It allows us to clearly support a very basic principle: Illegal immigrants are not entitled to Government benefits. They are not entitled to AFDC. They are not entitled to food stamps, SSI, unemployment compensation, or routine health care.

It is not racist to say to. And it is not heartless to believe that American borders ought to be respected.

This debate about illegal immigration is not just some academic exercise. Illegal immigration affects millions of Americans who are here legally, and to ignore those impacts is irresponsible.

This motion simply states that illegal immigrants are not entitled to receive benefits like AFDC, food stamps, and nonemergency health care, and I support it strongly.

Mr. ROHRABACHER. Madam Speaker, I yield back the balance of my time, and I move the previous question on the privileged motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore (Ms. KAPTUR). The question is on the motion to instruct offered by the gentleman from California [Mr. ROHRABACHER].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ROHRABACHER. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 289, nays 121, not voting 24, as follows:

[Roll No. 324]

YEAS—289

Ackerman	Dickey	Inslee
Allard	Dingell	Istook
Andrews (NJ)	Dornan	Jacobs
Andrews (TX)	Dreier	Johnson (CT)
Archer	Duncan	Johnson (GA)
Bachus (AL)	Dunn	Johnson (SD)
Baesler	Edwards (TX)	Johnson, Sam
Baker (CA)	Ehlers	Kanjorski
Baker (LA)	Emerson	Kaptur
Ballenger	English	Kasich
Barca	Eshoo	Kennedy
Barcia	Everett	Kennelly
Barlow	Ewing	Kildee
Barrett (NE)	Fawell	Kim
Barrett (WI)	Fields (TX)	King
Bartlett	Fingerhut	Kingston
Barton	Fowler	Klein
Bateman	Franks (CT)	Klink
Beilenson	Franks (NJ)	Klug
Bentley	Frost	Knollenberg
Bereuter	Furse	Kolbe
Bevill	Gallegly	Kreidler
Bilbray	Gejdenson	Kyl
Bilirakis	Gekas	LaFalce
Bliley	Geren	Lambert
Blute	Gilchrest	Lancaster
Boehlert	Gillmor	LaRocco
Bonilla	Gilman	Lazio
Boucher	Gingrich	Leach
Brewster	Glickman	Lehman
Browder	Goodlatte	Levin
Brown (OH)	Goodling	Levy
Bryant	Gordon	Lewis (CA)
Bunning	Goss	Lewis (FL)
Burton	Grams	Lewis (KY)
Buyer	Grandy	Lightfoot
Byrne	Greenwood	Linder
Callahan	Gunderson	Lipinski
Calvert	Hall (OH)	Livingston
Camp	Hall (TX)	Lloyd
Canady	Hamilton	Long
Cantwell	Hancock	Lucas
Carr	Hansen	Machtley
Castle	Harman	Maloney
Chapman	Hastert	Mann
Clement	Hayes	Manzullo
Clinger	Hefley	Margolies-Mezvinsky
Coble	Hefner	Mazzoli
Collins (GA)	Herger	McCandless
Combest	Hoagland	McCloskey
Condit	Hobson	McCollum
Cooper	Hochbrueckner	McCrery
Coppersmith	Hoekstra	McHale
Costello	Hoke	McHugh
Cox	Holden	McInnis
Cramer	Horn	McKeon
Crane	Houghton	McMillan
Crapo	Hoyer	Meyers
Cunningham	Huffington	Mica
Danner	Hunter	Miller (FL)
Darden	Hutchinson	Minge
Deal	Hutto	Moakley
DeFazio	Hyde	Molinari
DeLauro	Inglis	Mollohan
Deutsch	Inhofe	Montgomery
Moorhead	Rogers	Sundquist
Myers	Rohrabacher	Swett
Neal (MA)	Roth	Talent
Neal (NC)	Roukema	Tanner
Nussle	Royce	Tauzin
Orton	Sangmeister	Taylor (MS)
Packard	Santorum	Taylor (NC)
Pallone	Sarpalius	Tejeda
Parker	Saxton	Thomas (CA)
Paxon	Schaefer	Thomas (WY)
Payne (VA)	Schenk	Thornton
Penny	Schiff	Thurman
Peterson (MN)	Schumer	Torkildsen
Petri	Sensenbrenner	Torricelli
Pickett	Shaw	Traficant
Pombo	Shays	Upton
Pomeroy	Shuster	Valentine
Porter	Sisisky	Volkmer
Portman	Skeen	Vucanovich
Poshard	Skelton	Walker
Price (NC)	Slaughter	Walsh
Pryce (OH)	Smith (MI)	Weldon
Quillen	Smith (TX)	Williams
Quinn	Snowe	Wise
Rahall	Solomon	Wolf
Ramstad	Spence	Wyden
Ravenel	Spratt	Young (AK)
Regula	Stearns	Young (FL)
Reynolds	Stenholm	Zeliff
Ridge	Strickland	Zimmer
Roberts	Stump	

NAYS—121

Abercrombie	Green	Pickle
Andrews (ME)	Gutierrez	Rangel
Bacchus (FL)	Hamburg	Reed
Becerra	Hastings	Richardson
Berman	Hilliard	Ros-Lehtinen
Blackwell	Hinchey	Rose
Bonior	Hughes	Rostenkowski
Borski	Jefferson	Roybal-Allard
Brooks	Johnson, E.B.	Rush
Brown (CA)	Johnston	Sabo
Brown (FL)	Kleczka	Sanders
Cardin	Kopetski	Sawyer
Clay	Lantos	Schroeder
Clayton	Lewis (GA)	Scott
Clyburn	Lowey	Serrano
Coleman	Manton	Shepherd
Collins (IL)	Markey	Skaggs
Collins (MI)	Martinez	Smith (IA)
Conyers	Matsui	Smith (NJ)
Coyne	McDermott	Stark
de la Garza	McKinney	Stokes
Dellums	McNulty	Studds
Derrick	Meehan	Swift
Diaz-Balart	Meek	Synar
Dicks	Menendez	Thompson
Dixon	Mfume	Torres
Dooley	Miller (CA)	Towns
Durbin	Mineta	Tucker
Edwards (CA)	Mink	Unsoeld
Engel	Moran	Velazquez
Evans	Morella	Vento
Farr	Murphy	Visclosky
Fazio	Nadler	Waters
Fields (LA)	Oberstar	Watt
Filner	Olver	Waxman
Flake	Ortiz	Wheat
Foglietta	Owens	Woolsey
Ford (TN)	Pastor	Wynn
Gephardt	Payne (NJ)	Yates
Gibbons	Pelosi	
Gonzalez	Peterson (FL)	

NOT VOTING—24

Applegate	Frank (MA)	Oxley
Armey	Gallo	Rowland
Bishop	Laughlin	Sharp
Boehner	McCurdy	Slattery
DeLay	McDade	Smith (OR)
Doolittle	Michel	Washington
Fish	Murtha	Whitten
Ford (MI)	Obey	Wilson

□ 1943

Messrs. MOAKLEY, ACKERMAN, and GEJDENSON, Mrs. KENNELLY, and Ms. FURSE changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

WAIVER OF RESTRICTIONS ON CERTAIN EXPORTS TO THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–279)

The SPEAKER pro tempore (Mr. STARK) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to the authority vested in me by section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246), and as President of the United States, I hereby report to the Congress that it is in the national interest of the United States to waive the restrictions contained in that Act on the export to the People's Republic of China of U.S.-origin satellites insofar as such restrictions pertain to the EchoStar project.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 13, 1994.*

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3222

Mr. GOSS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3222.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEARS 1995–99

(Mr. SABO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SABO. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1995 and for the 5-year period fiscal year 1995 through fiscal year 1999.

This report is to be used in applying the fiscal year 1995 budget resolution (H. Con. Res. 218), for legislation having spending or revenue effects in fiscal years 1995 through 1999. I am also submitting today a separate report dealing with the current levels of spending and revenues for fiscal year 1994, to be used in applying the fiscal year 1994 budget resolution (H. Con. Res. 64).

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, July 13, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1995 and for the 5-year period fiscal year 1995 through fiscal year 1999.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of June 30, 1994.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 218, the concurrent resolution on the budget for fiscal year 1995. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1995 because appropriations for those years will not be considered this session.

The second table compares the current levels of budget authority, outlays, and new entitlement authority for each direct spending committee with the "section 602(a)" allocations for discretionary action made under H. Con. Res. 218 for fiscal year 1995 and for fiscal years 1995 through 1999. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a). The section 602(a) allocations are printed in the conference report on H. Con. Res. 218 (H. Rept. 103–490).

The third table compares the current levels of discretionary appropriations for fiscal year 1995 with the revised "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on June 9, 1994 (H. Rept. 103–539).

The aggregate appropriate levels and allocations reflect the adjustment required by section 25 of H. Con. Res. 218 relating to additional funding for the Internal Revenue Service compliance initiative.

Sincerely,

MARTIN OLAV SABO,
Chairman.

Enclosures.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET

STATUS OF THE FISCAL YEAR 1995 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 218—REFLECTING ACTION COMPLETED AS OF JUNE 30, 1994

[On-budget amounts, in millions of dollars]

	Fiscal years	
	1995	1995–1999
Appropriate level (as set by H. Con. Res. 218):		
Budget authority	1,238,705	6,892,705
Outlays	1,217,605	6,767,805
Revenues	977,700	5,415,200
Current level:		
Budget authority	730,011	NA
Outlays	916,222	NA
Revenues	977,700	5,393,058
Current level over (+)/under (−) appropriate level:		
Budget authority	−508,694	NA
Outlays	−301,383	NA
Revenues	0	−22,142

NA=Not applicable because annual appropriations Acts for Fiscal Years 1996 through 1999 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing more than $508.694 billion in new budget authority for FY 1995 (if not already included in the current level estimate) would cause FY 1995 budget authority to exceed the appropriate level set by H. Con. Res. 218.

OUTLAYS

Enactment of measures providing new budget or entitlement authority that would increase FY 1995 outlays by more than $301.383 billion (if not already included in the current level estimate) would cause FY 1995 outlays to exceed the appropriate level set by H. Con. Res. 218.

REVENUES

Enactment of any measure producing any net revenue loss in FY 1995 (if not already included in the current level estimate) would cause FY 1995 revenues to fall below the appropriate level set by H. Con. Res. 218.

Enactment of any measure producing any net revenue loss for the period FY 1995 through FY 1999 (if not already included in the current level estimate) would cause revenues for that period to fall further below the appropriate level set by H. Con. Res. 218.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal years, in millions of dollars]

	1995			1995–1999		
	Budget authority	Outlays	NEA	Budget authority	Outlays	NEA
House Committee:						
Agriculture:						
Allocation	0	0	0	0	0	4,861
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	−4,861
Armed Services:						
Allocation	0	0	0	0	0	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)—Continued

[Fiscal years, in millions of dollars]

	1995			1995–1999		
	Budget authority	Outlays	NEA	Budget authority	Outlays	NEA
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Banking, Finance and Urban Affairs:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
District of Columbia:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Education and Labor:						
Allocation	0	0	309	0	0	5,943
Current level	0	0	0	0	0	0
Difference	0	0	−309	0	0	−5,943
Energy and Commerce:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Foreign Affairs:						
Allocation	0	0	0	0	0	0
Current level	−4	−4	0	2	2	0
Difference	−4	−4	0	2	2	0
Government Operations:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
House Administration:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Judiciary:						
Allocation	0	0	0	0	0	0
Current level	2	2	0	10	10	0
Difference	2	2	0	10	10	0
Merchant Marine and Fisheries:						
Allocation	0	0	0	0	0	0
Current level	0	3	0	0	−2	0
Difference	0	3	0	0	−2	0
Natural Resources:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Post Office and Civil Service:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Public Works and Transportation:						
Allocation	2,161	0	0	64,741	0	0
Current level	0	0	0	0	0	0
Difference	−2,161	0	0	−64,741	0	0
Science, Space, and Technology:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	0	0	340	0	0	5,743
Current level	0	0	0	0	0	0
Difference	0	0	−340	0	0	−5,743
Ways and Means:						
Allocation	0	0	0	0	0	214
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	−214
Perm. Select Committee on Intelligence:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0

NEA=New Entitlement Authority.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1995—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised 602(b) suballocations (June 9, 1994)		Current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Rural Development	13,817	13,945	0	4,197	−13,817	−9,748
Commerce, Justice, State	26,057	24,818	2	6,322	−26,055	−18,496
Defense	243,432	250,515	0	86,480	−243,432	−164,035
District of Columbia	720	722	0	2	−720	−720
Energy and Water Development	20,373	20,853	0	8,801	−20,373	−12,052
Foreign Operations	13,795	13,736	0	8,167	−13,795	−5,569
Interior	13,525	13,943	375	5,063	−13,150	−8,880
Labor, Health and Human Services, and Education	69,978	69,819	1,771	41,702	−68,207	−28,117
Legislative Branch	2,468	2,424	2,367	2,380	−101	−44
Military Construction	8,837	8,554	0	6,345	−8,837	−2,209
Transportation	13,584	36,445	0	24,562	−13,584	−11,883
Treasury-Postal Service	12,049	12,260	0	2,953	−12,049	−9,307
VA-HUD-Independent Agencies	70,418	72,945	813	43,270	−69,605	−29,675
Reserve	2,106		0	0	−2,106	0
Grand total	511,159	540,979	5,328	240,244	−505,831	−300,735

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 13, 1994.

Hon. MARTIN O. SABO,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1995 in comparison with the appropriate levels for those items contained in the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218), and is current through June 30, 1994. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 218)	Current level +/− resolution
Budget Authority	730,011	1,238,705	−508,694
Outlays	916,222	1,217,605	−301,383
Revenues:			
1995	977,700	977,700	
1995–1999	5,393,058	5,415,200	−22,142

Since my last report, dated June 13, 1994, Congress approved and the President signed the Independent Counsel Reauthorization Act (P.L. 103–270). Congress has also approved for the President's signature the 1994 FHA Supplemental (H.R. 4568) and the Legislative Branch Appropriations bill (H.R. 4454). These actions changed the current level of budget authority and outlays.

Sincerely,

ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT, 103D CONGRESS, 2D SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS JUNE 30, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			977,700
Permanents and other spending legislation	747,135	705,985	
Appropriation legislation		242,066	
Offsetting receipts	(203,682)	(203,682)	
Total previously enacted	543,453	744,370	977,700
ENACTED THIS SESSION			
Emergency Supplemental Appropriations, FY 1994 (P.L. 103–211)	18	(832)	
Federal Workforce Restructuring Act (P.L. 103–226	443	443	
Offsetting receipts	(269)	(269)	
Foreign Relations Authorization Act (P.L. 103–236)	(4)	(4)	
Marine Mammal Protection Act Amendments (P.L. 103–238)		3	
Independent Counsel Reauthorization Act (P.L. 103–270)	2	2	
Total enacted this session	190	(657)	
PENDING SIGNATURE			
Legislative Branch Appropriations (H.R. 4454)	2,367	2,174	
1994 FHA Supplemental (H.R. 4568)	(2)	(1)	
Total pending signature	2,365	2,174	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	184,003	170,335	
Total Current Level [2]	730,011	916,222	977,700
Total Budget Resolution	1,238,705	1,217,605	977,700
Amount remaining: Under Budget Resolution	508,694	301,383	

PARLIAMENTARIAN STATUS REPORT, 103D CONGRESS, 2D SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS JUNE 30, 1994—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Over Budget Resolution			

[1] Less than $500 thousand.

[2] In accordance with the Budget Enforcement Act, the outlay total does not include $4,568 million for funding of emergencies that have been designated as such by the President and the Congress, and $252 million for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

[3] Notes.—Amounts in parentheses are negative. Detail may not add due to rounding.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEAR 1994

(Mr. SABO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SABO. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1994.

This report is to be used in applying the fiscal year 1994 budget resolution (H. Con. Res. 64), for legislation having spending or revenue effects in fiscal year 1994. I am also submitting today a separate report dealing with the current levels of spending and revenues for fiscal years 1995 through 1999, to be used in applying the fiscal year 1995 budget resolution (H. Con. Res. 218).

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, July 13, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting an updated status report on the current levels of on-budget spending and revenues for fiscal year 1994.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of June 30, 1994.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 64, the concurrent resolution on the budget for fiscal year 1994. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels.

The second table compares the current levels of budget authority, outlays, and new entitlement authority for each direct spending committee with the "section 602(a)" allocations for discretionary action made under H. Con. Res. 64 for fiscal year 1994. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a). The section 602(a) allocations were printed in the CONGRESSIONAL RECORD for March 31, 1993, on pages H. 1784–87.

The third table compares the current levels of discretionary appropriations for fiscal year 1994 with the revised "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on June 16, 1993 (H. Rept. 103–549).

Sincerely,

MARTIN OLAV SABO,
Chairman.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET

STATUS OF THE FISCAL YEAR 1994 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 64, REFLECTING ACTION COMPLETED AS OF JUNE 30, 1994

[On-budget amounts, in millions of dollars]

	Fiscal year 1994
Appropriate level (as set by H. Con. Res. 64):	
Budget authority	1,223,400
Outlays	1,218,300
Revenues	905,500
Current level:	
Budget authority	1,218,333
Outlays	1,216,991
Revenues	905,429
Current level over (+)/under(−) appropriate level:	
Budget authority	−5,067
Outlays	−1,309
Revenues	−71

BUDGET AUTHORITY

Enactment of measures providing more than $5.067 billion in new budget authority for fiscal year 1994 (if not already included in the current level estimate) would cause fiscal year 1994 budget authority to exceed the appropriate level set by H. Con. Res. 64.

OUTLAYS

Enactment of measures providing new budget or entitlement authority that would increase fiscal year 1994 outlays by more than $1.309 billion (if not already included in the current level estimate) would cause fiscal year 1994 outlays to exceed the appropriate level set by H. Con. Res. 64.

REVENUES

Enactment of any measure producing any revenue loss in fiscal year 1994 (if not already included in the current level estimate) would cause fiscal year 1994 revenues to fall further below the appropriate level set by H. Con. Res. 64.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal year, in millions of dollars]

	1994		
	Budget authority	Outlays	NEA
House Committee:			
Agriculture:			
Allocation	−65	−66	−60
Current level	−99	−106	−402
Difference	−34	−40	−342
Armed Services:			
Allocation	−128	−128	−128
Current level	−153	−163	−167
Difference	−25	−35	−39
Banking, Finance and Urban Affairs:			
Allocation	0	−338	0
Current level	−417	−915	0
Difference	−417	−577	0
District of Columbia:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
Education and Labor:			
Allocation	0	0	118
Current level	−142	−155	−787
Difference	−142	−155	−905
Energy and Commerce:			
Allocation	0	−1,700	−180
Current level	2	−2,398	42
Difference	2	−698	222
Foreign Affairs:			
Allocation	0	0	0
Current level	−35	−35	−3
Difference	−35	−35	−3
Government Operations:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
House Administration:			
Allocation	0	0	0
Current level	1	1	0
Difference	1	1	0
Judiciary:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
Merchant Marine and Fisheries:			
Allocation	0	0	0
Current level	−1	3	0
Difference	−1	3	0
Natural Resources:			
Allocation	−117	−112	0
Current level	−74	−78	0
Difference	43	34	0
Post Office and Civil Service:			
Allocation	−66	−66	−77
Current level	−256	−256	−218
Difference	−190	−190	−141
Public Works and Transportation:			
Allocation	2,092	−13	0
Current level	−78	−13	0
Difference	−2,170	0	0
Science, Space, and Technology:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
Small Business:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
Veterans' Affairs:			
Allocation	−11	−11	70
Current level	−11	−11	28
Difference	0	0	−42
Ways and Means:			
Allocation	−2,876	−2,054	−2,036
Current level	−1,216	−824	261
Difference	1,660	1,230	2,297
Perm. Select Committee on Intelligence:			
Allocation	0	0	0
Current level	7	7	7
Difference	7	7	7

NEA=New Entitlement Authority.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1994—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised 602(b) suballocations (June 16, 1994)		Current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Rural Development	14,595	14,205	14,595	14,205	0	0
Commerce, Justice, State	23,470	23,887	22,800	23,217	−670	−670
Defense	240,319	255,151	239,897	255,151	−422	0
District of Columbia	700	698	700	698	0	0
Energy and Water Development	22,017	21,585	21,689	21,585	−328	0
Foreign Operations	13,444	13,878	12,690	13,878	−754	0
Interior	13,736	13,726	13,727	13,726	−9	0
Labor, Health and Human Services, and Education	67,283	68,066	67,189	68,012	−94	−54
Legislative Branch	2,270	2,267	2,264	2,262	−6	−5
Military Construction	10,066	8,784	9,464	8,759	−602	−25
Transportation	12,284	34,889	12,435	34,878	−849	−11
Treasury-Postal Service	11,469	11,642	11,312	11,639	−157	−3
VA-HUD-Independent Agencies	68,311	69,979	68,053	69,976	−258	−3
Grand total	500,964	538,757	496,815	537,986	−4,149	−771

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 13, 1994.

Hon. MARTIN O. SABO,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1994 in comparison with the appropriate levels for those items contained in the 1994 Concurrent Resolution on the Budget (H. Con. Res. 64), and is current through June 30, 1994. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 64)	Current level +/− resolution
Budget authority	1,218,333	1,223,400	−5,067
Outlays	1,216,991	1,218,300	−1,309
Revenues:			
1994	905,429	905,500	−71
1994 to 1998	5,105,866	5,153,400	−47,534

Since my last report, dated June 13, 1994, Congress approved for the President's signature the 1994 FHA Supplemental (H.R. 4568). This action changed the current level of budget authority and outlays.

Sincerely,

ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT, 103D CONGRESS, 2ND SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1994 AS OF CLOSE OF BUSINESS JUNE 30, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			905,429
Permanents and other spending legislation[1]	721,126	695,196	
Appropriation legislation	742,749	758,885	
Offsetting receipts	(237,226)	(237,226)	
Total previously enacted	1,226,648	1,216,855	905,429
ENACTED THIS SESSION			
Emergency Disaster Supplemental (P.L. 103–211)	(2,286)	(248)	
Federal Workforce Restructuring Act (P.L. 103–226)	48	48	
Offsetting receipts	(38)	(38)	
Housing and Community Development Act (P.L. 103–233)	(410)	(410)	
Extending Loan Ineligibility Exemption for Certain Colleges (P.L. 103–235)	5	3	
Foreign Relations Authorization Act (P.L. 103–236)	(2)	(2)	
Marine Mammal Protection Act Amendments (P.L. 103–238)		4	
Airport Improvement Program Temporary Assistance Act (P.L. 103–260)	(65)		
Total enacted this session	(2,748)	(643)	
PENDING SIGNATURE			
1994 FHA Supplemental (H.R. 4568)	(2)	(2)	
ENTITLEMENTS AND MANDATORIES			
Budget resolution estimates of appropriated entitlements and other mandatory programs not yet enacted.[3]	(5,567)	781	
Total current level[4 5]	1,218,333	1,216,991	905,429
Total budget resolution	1,223,400	1,218,300	905,500
Amount remaining:			
Under budget resolution	5,067	1,309	71
Over budget resolution			

[1] Includes budget committee estimate of $2.4 billion in outlay savings for FCC spectrum license fees.
[2] Less than $500 thousand.

[3] Includes changes to baseline estimates of appropriated mandatories due to enactment of P.L. 103–66 and P.L. 103–140.

[4] In accordance with the Budget Enforcement Act, the total does not include $14,203 million in budget authority and $9,079 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $757 million in budget authority and $291 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount as an emergency requirement.

[5] At the request of Committee staff, current level does not include scoring of sec. 601 of P.L. 102–391.

Note.—Amounts in parentheses are negative. Detail may not add due to rounding.

□ 1950

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. STARK). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE FAILED POLICY IN HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, the subject of Haiti and our policy in Haiti has certainly captured the attention of the Nation these days. I wanted to sum up just exactly what the facts are again, because there seems to be an increasing dialogue and debate in the media and on the electronic TV.

There are failures in the Clinton policy. These are factual matters. These are not debatable, they are facts. Think of this: Under the Clinton policy, we have unleashed a monumental refugee crisis. That is a fact. It cannot be denied. It was not there until we had the Clinton policy.

The second thing that has happened, which is uncontroverted, I believe, is that we have driven up the misery index for Haitians, mostly poor Haitians and middle-class Haitians trying to get along in Haiti.

At the same time, we have made life fairly easy, or at least relatively easy, for the very people that we are targeting our sanctions against: that is, those military people who illegally took over the country. They are thriving, and the people we are trying to help are being subjected to additional misery virtually every day. That misery is real. It is starvation, it is lack of medical attention that is causing disease to thrive, and it is an extraordinary, deplorable condition.

When we start eating our seed corn, literally, and cutting down our fruit trees to build boats to escape, and are no longer going to have fruit, we have a problem on our hands. That is what our policy is causing.

Equally true, it is not debatable that the Clinton policy is causing a political situation in Haiti that has always been difficult to polarize. The people who do not like each other really detest each other now, because we have created so much pressure there that there is no chance they will talk to each other and come to a common accord and make peace.

We have polarized people who do not like each other to the point where they are ready to do bad things to each other again. We have also certainly created a loss of credibility for our capabilities as a world power.

We have had a policy of zigging and zagging and changing our minds and inconsistency, applying now one way and then the next. We have got our friends and neighbors in the Caribbean wondering what in the world we are trying to do, and why we are putting the pressure on them to do things that do not need to be done, that they do not want to do, like take hundreds of thousands or tens of thousands of any numbers of Haitian exiles into their countries where jobs are just as precious as they are in any other country, including ours, especially when we do not need to be having all these Haitians leaving Haiti. There is a better solution.

Finally, we need to talk about another incontrovertible fact, Mr. Speaker. It is one that I do not have the numbers on because nobody seems to be willing to come forward with it. This is costing the American taxpayers a bundle, but nobody knows just how much a bundle. It is a big bundle.

We have 15 Coast Guard cutters down there, we have 8 Navy ships, we have 5 attack assault amphibious ships down there with our best fighting forces aboard. All of this is going on at some very great expense.

Of course, we have the refugee processing centers, the ships that we have rented; we have the *Comfort*, the hospital ship we are using as a processing center, and whatever deals we have made with neighboring countries to rent land or rent processing stations in the area. It is expensive.

Mr. Speaker, I think what else is happening, which is really critical and catching everybody's attention here, is that we are beginning to box ourselves into a dangerous and foolhardy position where we may not have a good out if we do not retreat from where we are, except a military invasion, and that would be a fateful, serious mistake. It has not worked before and it will not work this time.

Yes, we will win the military engagement, but we will end up losing credibility and we will end up taking on problems that we are not prepared to take on, that we have no ways to resolve. It will not be doing the Haitians a favor and it will not be doing the United States of America a favor.

Mr. Speaker, I might say that all of these things are going on under the Clinton policy. Are there elements of a successful policy we could adopt instead? Indeed there are. If we take the pressure off and pull back from the invasion, if we lift the sanctions and we remove those magnets that are drawing the refugees out of Haiti, we begin to make life a little bit more sane in Haiti for those people.

Can we do that? Yes. Lifting the sanctions will indeed allow our humanitarian relief flights to go back in. We have had flights that have not flown for a month now, that used to go in twice a week to provide food, medicine, and other supplies for the needy and the poor in Haiti. We just got one flight out, I am told. We have to go through a tremendous amount of redtape to get these flights in that used to go routinely a couple of times a week. This is insane. Why don't we send those flights back with this relief that these people need?

We can certainly set up a safe haven in Haiti on an appropriate geographical site where we can provide this humanitarian relief, where we can do it safely, and where we can create the opportunity for the return of the duly elected president, who, frankly, should be picking up his paycheck in Haiti, on Haitian soil, doing his job, rather than in the United States of America, in Washington, DC, living in a Georgetown penthouse.

Mr. Speaker, I think the final point as I close out is to say that we have an opportunity to deal with real people who want to bring peace to Haiti, the elected people in the parliament. They want to talk to us, they want parliamentary exchange. We should be doing that instead of talking war.

THE FLOOR OF THE HOUSE: NO PLACE FOR SENSATIONALISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, the floor of this House is supposed to be a place where people exchange ideas.

A place where we're supposed to work together to move this country forward and work out our differences with open and honest debate.

It's not a place for sensationalism.

It's not a place for rumor-mongering.

And it's not a place for scandal-baiting.

And even though the rhetoric gets heated at times, even though words get exchanged, for the most part since I've been privileged enough to serve in this body democracy has been served well by this Chamber.

But I'm extremely sad to say, Mr. Speaker, that that was not the case earlier this morning.

Mr. Speaker, during a 1-minute speech earlier this morning, we were treated to the same kind of scandal-mongering and gutter politics that's usually reserved for cheap tabloids.

Once again, we saw a Member from the other side of the aisle take the

floor and try to exploit the sad death of Vince Foster as something more than a tragic suicide.

The fact is, Mr. Speaker, that this case has been closed.

Less than 2 weeks ago, the independent prosecutor who the Republicans called for, who the Republicans greeted with such open arms, who is himself a Republican, issued a report on this case.

And that report said: "the evidence overwhelmingly supports" the conclusion that Mr. Foster committed suicide at Ft. Marcy Park.

After the independent prosecutor had a team of investigators looking into every minute detail of this case, they concluded: "there is no evidence to the contrary."

And after the independent prosecutor had numerous lawyers spend thousands of hours examining and reexamining all the evidence, they found:

> No evidence that issues involving Whitewater, Madison Guaranty, Capitol Management Services or other personal legal matters of the President or Mrs. Clinton were a factor in Foster's suicide.

That's what the independent prosecutor said. And everyone else involved in the case concurred.

The Park Police who were first on the scene called it a suicide.

The pathologist panel who examined the body called it a suicide.

All the participants in the investigation concluded that it was a suicide.

And the independent prosecutor concluded that it was a suicide.

Even the Washington Post wrote:

> The * * * question whether Vincent Foster's death was a suicide or homicide has been answered in a manner that should satisfy all but the most cynical participants. His death was a suicide.

Mr. Speaker, those are the facts. And nobody should be exploiting this situation to score cheap political points.

This is a real human tragedy and to turn it into fodder for partisan politics is beyond reprehensible and it's beyond the dignity of this institution.

We may have our differences on how to reform health care.

We may have our differences on the budget.

We may have our differences on the role of Government.

But let's not resort to this.

Let's not turn the floor of this House into an arena for the wretched refuse of trashy tabloids.

Let's not resort to a politics of hate that preys on other people's tragedy.

Let us rise above this and work together to move this country forward.

And let's see Vince Foster for who he was: a good man and a good father who did his best to serve this country well, who was faced with a pain and a darkness that few of us could ever fathom, and who followed that darkness to a bitter, tragic end.

For the sake of the people who loved Vince Foster, and who still mourn his loss I hope we'll let him rest in peace.

And for the sake of this institution and the dignity of our democracy I hope we will never hear rhetoric stoop to this level again on the floor of the House of Representatives.

□ 2000

UNANSWERED QUESTIONS ON VINCENT FOSTER'S SUICIDE

The SPEAKER pro tempore (Mr. HOLDEN). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I am very glad I was here to hear the remarks made by the majority whip because I want to go into what I said this morning in more detail. I believe there is a real possibility that Vince Foster committed suicide. I do not believe, after reading that report in some detail with about seven other people, that he committed suicide at Fort Marcy Park. I believe his body was moved to that location, and I will tell this body why.

I want to go into my remarks this morning because I do not want to hurt the Foster family, but at the same time I believe that if there was some misdeeds done out there, the American people have a right to know and this Congress has a right to know, and there should be a complete and full investigation if there are any irregularities.

Let us go into this just a little bit. The man that found Vince Foster's body said his face was straight up, and yet if you read the report there was blood coagulated on the side of his face, and on the shirt. Forensics experts say his body was like this, and they say in the report that one of the people who worked on the investigation must have moved his head. The fact of the matter is before they even got out there the man that found him said his head was straight up. So the head had been moved before the experts went out there.

Who moved the body? We need to find out who moved the body.

There was blonde hair, not Mr. Foster's, on his T-shirt and other parts of his garments. Whose hair was it? It was not his.

There were carpet and other wool fibers found on the body. Where did they come from?

I do not like to talk about this, but there was semen found on his underwear, which would indicate there might have been a sexual experience that afternoon between 1 and 5. If that is the case, it is hard to understand the state of mind of somebody who is thinking about committing suicide and having a sexual encounter at the same time.

Here is something very damaging. They dug 18 inches around the body, and they sifted all of the dirt, and they could find no skull fragments at the site, no skull fragments were found at the site, and there was a 3-inch hole at the back of the man's head from the gun. If he was killed at Fort Marcy Park, they would have found skull fragments at that site. Why were they not found there? I believe because he committed suicide or was killed someplace else and moved to that spot.

All of the bullets that were found at the site, using modern technology, show that there were a number of bullets found but not the one which killed Vince Foster, and they were out there with grids and everything else for several days with 16 people looking.

And why was the gun in Mr. Foster's hand, in the wrong hand? Mr. Foster was left-handed. The gun was in his right hand. I want to tell you that if you are going to commit suicide, and you are in that state of mind, usually you grab with the hand you use all of the time. The gun was in the other hand.

Why did the man who found Foster's body say there was no gun in either hand, not once, not twice, but three times when he talked to Gordon Liddy, and that is the man the FBI investigated.

My concern is for the facts and the truth. When people say I am down here trying to bring this body to a low ebb, I resent it. I am concerned about the feelings of the family members, and I think it is tragic that they went through this. Mr. Foster had an awfully good record in life. But if his body was moved, we need to know from where it was moved. If he had this kind of experience during the day, we need to know about it. We need to know whose hair was on his body.

These are questions that need to be answered. We need to know why there were no skull fragments at the site if he blew the back of his head out. It appears to me that he probably was moved from someplace else.

While I have time left, let me go into what happened after Mr. Foster was killed.

At 6 p.m. on July 20, deputy White House counsel Vincent Foster was found dead in the park.

Shortly after 9 p.m., White House chief of staff Mack McLarty was informed of his death. McLarty ordered his office sealed However, the office remained unlocked overnight until 11 a.m. the next day, and despite this order, less than 3 hours after his body was found, White House officials removed records of business deals between Mr. Clinton and his wife and the Whitewater Development Corp. from Mr. Foster's office without telling Federal authorities who were investigating the death. In fact, they did not admit that they were in the office until 6 months later, Why?

The people who went in were White House counsel Bernie Nussbaum, the

President's special assistant, Patsy Thomasson, and Mrs. Clinton's chief of staff, Maggie Williams.

Bernie Nussbaum said they were there 10 minutes. The Park Police said they were there over 2 hours taking files out of that office.

During his first search, Whitewater files and President Clinton's tax returns were removed and turned over to David Kendall, President Clinton's attorney. Were any of those destroyed? I do not know.

White House officials did not confirm that the July 20 search took place, as I said, until late in December.

There are a lot of questions to be answered. We want to take care of people's feelings, especially family members, but if something was done wrong, we need to get to the bottom of it.

I include for the RECORD the chronology of the two searches as well as some unanswered questions concerning Mr. Foster's death, as follows:

TWO SEARCHES OF VINCENT FOSTER'S OFFICE

THE FIRST SEARCH

At 6:00 p.m. on July 20, 1993 Deputy White House Counsel, Vincent Foster was found dead in Fort Marcy Park in Virginia.

Shortly after 9:00 p.m., White House Chief of Staff, Thomas "Mack" McLarty, was informed of Foster's death.

McLarty ordered Vince Foster's office sealed. However, the office remained unlocked overnight and was sealed at 11:00 a.m. the next morning when a guard was posted at the door.

Despite this order, less than three hours after his body was found, White House officials removed records of business deals between President Clinton, his wife, and the Whitewater Development Corporation from Mr. Foster's office without telling federal authorities who were investigating the death.

They were White House Counsel Bernard Nussbaum, the President's Special Assistant, Patsy Thomasson, and Mrs. Clinton's chief of staff, Maggie Williams.

Bernie Nussbaum said they were in the office ten minutes. Park Police say the visit lasted two hours.

During this first search, Whitewater files and President Clinton's tax returns were removed and turned over to David E. Kendall, President Clinton's attorney.

White House officials did not confirm that there was a July 20th search of Foster's office or that files were removed during this search until December, 1993.

THE SECOND SEARCH

On July 22, 1993, Mr. Nussbaum and White House officials searched Mr. Foster's office a second time. They collected more documents. Some were sent to President Clinton's attorney and others were sent to Vince Foster's attorney, James Hamilton.

During the second search, Mr. Nussbaum, citing executive privilege, kept Park Police and FBI agents from entering the office.

Dee Dee Myers, the White House press secretary, said "Bernie went through and sort of described the contents of each of his files and what was in his drawers while representatives of the Justice Department, the Secret Service, the FBI, and other members of the counsel's office were present."

According to other sources, FBI agents and Park Police were ordered to sit on chairs in the hallway while White House staff went through documents and that Mr. Nussbaum gave the FBI agents and Park Police no indication of what he was taking. One FBI agent was reprimanded when he stood up to peer in the room.

Park Police later discovered that Whitewater records had been removed from Vincent Foster's office during the second search after they visited James Hamilton, Foster's lawyer, a week after the death to review a personal diary that was also taken during one of the searches.

Hamilton allowed Park Police to briefly inspect the diary and other documents. However, he did not allow them to make copies citing privacy concerns, and he refused a request for access to the diary and documents by the Justice Department.

On July 27, 1993, White House officials revealed that on July 26, they found a note, supposedly written by Vince Foster, in the bottom of his brief case which was in his office.

They said they missed the note in their first two searches. The note was unsigned, undated, and torn into 27 pieces.

QUESTIONS

1.) When did White House Chief of Staff Thomas McLarty give the order to seal Vince Foster's office? How was the White House staff informed of McLarty's order?

2.) Why was the office not sealed until 11:00 a.m. the next morning?

3.) Did Bernard Nussbaum, Patsy Thomasson, and Maggie Williams know about Thomas McLarty's order? How did they first learn about Vince Foster's death?

4.) Did somebody order Nussbaum, Thomasson, and Williams to search Vince Foster's office, or did one of them make the decision to search the office?

5.) If someone ordered them to search the office, what were they told to look for? If it was Nussbaum, Thomasson, or Williams' idea to search the office, what were they looking for?

6.) Why did they remove the Whitewater files?

7.) Were other documents taken? Were documents destroyed?

8.) Where were the documents when they entered the office? Were they in locked files or a safe? If so, how were these opened?

9.) Shouldn't they have left everything there for the police to examine?

10.) Instead of keeping the FBI from doing its job, shouldn't the White House staff have been giving law enforcement their full cooperation after their friend and colleague was found dead?

11.) Did anyone else go into Vince Foster's office that night?

12.) Did White House officials purposely mislead the Park Police about the existence of Whitewater documents in Vince Foster's office?

13.) How did the White House staff miss a note, torn into 27 pieces, in the bottom of Vince Foster's brief case during their first two searches of his office?

14.) What documents were given to Vince Foster's attorney James Hamilton and what was given to the Clintons' attorney David Kendall? Were any destroyed?

15.) Who were all the White House officials involved in the second search of Vincent Foster's office?

16.) Did the White House staff have the legal right to prohibit the FBI from searching Foster's office as part of an investigation into Foster's death?

HAITI AND THE CAPUTO MEMO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON. Mr. Speaker, I rise this evening with a great deal of concern as a member of the Armed Services Committee for the past 8 years about the rumors that are circulating rampantly on the Hill regarding this President's alleged intentions to involve this country in a military action in Haiti within a matter of the next several weeks, or perhaps even in a shorter period of time.

My concern stems from the fact that as a member of this Armed Services Committee who takes his position very seriously that we not engage ourselves in a situation like we saw last September where we had a big White House ceremony on the lawn in terms of bringing our troops back home from Somalia, but left 4,500 troops unprepared for what they would face in that country. In September of last year, the only time during the 8 years I have been here, we found out political considerations were used to deny a request by a senior military official to have appropriate backup support in Somalia to protect our troops. In other words, a political consideration was made involving our military troops.

The rumors circulating on the Hill are along the line that the President is considering another military operation for political purposes. That would be outrageous.

I point to a special confidential memo from Dante Caputo dated May 23. Dante Caputo is the Special Envoy to Haiti, the U.N. Special Envoy. This was leaked to the press. The document suggests that the current economic sanctions against Haiti are not intended or expected to dislodge the Haitian military rulers, but instead the sanctions are to serve as a diplomatic cover for the real objective, which is an armed military invasion to take place before the November election.

Caputo explains that the United States intends to leave 1 month after the invasion, to pass the torch to the United Nations.

He further explains that the only thing holding back Clinton's invasion is whether the United States can find countries to mount a multinational operation after United States forces exit Haiti.

This really tears me apart, this next point. In his memo, Dante Caputo, U.S. Special Envoy to Haiti, said the reason behind the invasion is to demonstrate "* * * The President's decisionmaking capability and the firmness of leadership in international political matters."

Is that why we are going to Haiti? Is this President so concerned with his polls that he is going to send American troops in? I can guarantee you, Mr.

Speaker, if this President causes us to shed one drop of American blood for a political purpose, there will be a war, but it will not be in Haiti. It will be inside of the beltway.

During a meeting between Mr. Caputo and Secretary General Boutros Ghali, Mr. Caputo is cited as saying, "The Americans will not be able to wait much longer than August at the latest to invade. They want to do something; they are going to try to intervene militarily."

Notes from that same meeting explained that "Mr. Caputo predicts a disaster. That the United States will make the United Nations bear the responsibility to manage the occupation of Haiti."

The notes of the meeting further convey Mr. Caputo's belief that "with Aristide as President during 2 or 3 years, it will be hell."

Yesterday, Mr. Speaker, the U.S.S. *Mount Whitney*, a 2d Fleet command ship, left for Haiti. Its primary function is that of an amphibious command and control center for major operations.

Mr. Speaker, let me put my colleagues on notice and the American people on notice. This President and this Commander in Chief had better be able to justify whatever action he takes in regard to Haiti, and if he cannot do that, he is going to have to pay hell with Members of this body, and I will be leading the attack.

□ 2010

THE AMERICAN PEOPLE DO NOT WANT TO GO TO WAR IN HAITI

The SPEAKER pro tempore (Mr. HOLDEN). Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I also rise to discuss the situation in Haiti.

The American people, or at least an overwhelming majority of the American people, do not want to go to war in Haiti. There is no threat to our national security there. There is no vital U.S. interest there.

Some in the administration are saying that we have an interest in invading Haiti to slow the flood of immigration. However, as the gentleman from New Jersey [Mr. TORRICELLI] was quoted as saying in the Wall Street Journal, "A situation is being created where the administration is leaving itself no choice but military intervention."

In other words, it is the policy of this administration itself, that is, the embargo, the sanctions which are creating the "need" for military action. We are manufacturing this crisis ourselves. Senator GRAHAM of the other body from Florida said a few days ago the U.S. embargo is doing nothing to the rich people of Haiti, but it is starving the poor people there to death.

This was reconfirmed on the Nightline program last night. Our policies are having no effect on the rich, but we are forcing the poor from Haiti to come here.

If we invade Haiti, what have we proved? Nothing. Let us say we conquer Haiti in a few hours or a few days militarily. So what: Big deal.

But all the experts say we would have to stay there a long time to really stabilize the country. This would be a tremendous drain on our national finances at a time that we really cannot afford it. All this to satisfy domestic political considerations or to give the President some type of foreign policy victory. It is not worth it. It is not worth the life of one American soldier.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. DUNCAN. I am happy to yield to the gentleman from California.

Mr. CUNNINGHAM. I thank the gentleman for yielding.

I think it is also important to remember the President was going to send marines into Haiti originally with sidearms only.

Mr. DUNCAN. I thank the gentleman for his comments.

One of our leading national columnists wrote this in yesterday's Washington Times:

(By Pat Buchanan)

God willing, the saving grace of America's ruthless and ruinous policy toward the tiny and destitute nation of Haiti will be that it tarnishes forever the reputations of those who pursued it. For what we have done to Haiti for three years, would, in better times, have been called "a crime against humanity."

"I think the sanctions are having an impact," President Clinton said cheerily in Latvia. He certainly has that right.

Haiti's strangulation is almost complete now. Her economy is destroyed; her population is without work; her people are dying of disease; many of her babies are being born retarded because their mothers are malnourished; and perhaps thousands have drowned trying to escape the hell on Earth our embargo-blockade has made of their country.

Why did the United States do such a thing?

Three years ago Jean-Bertrand Aristide, a priest defrocked by the Catholic Church for preaching class hatred, a man the CIA has concluded is a nut case, was ousted by the general he had made chief of staff. Gen. Raoul Cedras booted out Mr. Aristide because Mr. Aristide, though elected democratically, had begun ruling dictatorially.

Surely Haiti would have been better off for the ouster of Mr. Aristide, if only we had left her alone. But rather than accept the military coup, and suggest to Mr. Aristide he take up a new trade, the United States decided that Haiti's internal affairs were our concern. But this time it was the Left that was adamant that Mr. Aristide be returned to his palace, even if we had to choke his country to death to achieve it.

Consider the hypocrisy here.

In 1933 under Franklin Roosevelt the United States signed a convention in Montevideo stipulating that "No [American] State has the right to intervene in the internal affairs of another." This was the Good Neighbor policy, celebrated by the American Left as replacing Teddy Roosevelt's Big Stick policy so beloved of Yankee capitalists with large investments in little countries in the Caribbean and Central America.

Yet, today, it is the 1980's "Hands off Nicaragua!" crowd howling for intervention in Haiti, and a liberal Democrat who shakes his fist and sends the gunboats loaded with Marines.

Out of the blindness of ideology and the arrogance of power we have ravaged the poorest nation in our neighborhood, to force them to take back a Castroite demagogue we would never have tolerated in our own country.

Mr. Aristide is not worth the life of a single U.S. Marine. And if U.S. lives are lost putting him back in power, or a civil war erupts in Haiti that we are forced to put down, or a long and costly occupation has to be undertaken, full responsibility will rest with the Clinton administration.

Mr. Speaker, I say once again, an overwhelming majority, three-fourths, of the American people, by most polls, do not want us to go to war in Haiti. We should not do this just to give Mr. Clinton some points in some political popularity poll.

I urge my colleagues to say "no" to military intervention in Haiti.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Pennsylvania [Mr. GOODLING] is recognized for 60 minutes as the designee of the minority leader.

Mr. GOODLING. Mr. Speaker, on June 23 the Committee on Education and Labor reported the amended version of the Health Security Act, the legislation originally sent to the Congress by President Clinton last November.

This was one of the most disappointing days of my career in the Congress of the United States, because I had hoped when we began the process 7 weeks earlier that we would take some of the issues that everyone agrees need to be dealt with and build from that point.

The majority was very cordial. They allowed us in subcommittee and full committee to speak as long as we wanted to speak, to offer any amendment we wanted to offer, but they had also decided before we began the markups both in subcommittee and full

committee that they were going to start with the highest-priced Cadillac what was available, and then they were going to embellish that with some parts from Rolls Royce, Mercedes Benz, Ferrari, and Porsche. Unfortunately, that is what happened in the committee, and those of us on the Republican side of the committee made clear our intentions to respond to the problems with the current system of health insurance and health care delivery which were evidenced by the many who testified during the nearly 30 days of hearings held by the committee and the subcommittee.

Our preference was to take a problem-solving approach and build a bipartisan consensus on what needs to be accomplished without disrupting the positive qualities of the current system or inducing a decline in the quality of medical care Americans expect to receive.

As I indicated, unfortunately the committee rejected this bipartisan approach.

What we plan to do this evening, as members, minority members, of the Committee on Education and Labor is point out to the American public that we had alternatives to offer, and we offered them, and also to point out to the American public what we believe is totally wrong with the piece of legislation that came from our committee.

Mr. Speaker, at this point I would yield to the gentlewoman from New Jersey [Mrs. ROUKEMA], who is the ranking member on the subcommittee where this all began.

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I certainly want to extend my appreciation to the gentleman from Pennsylvania, our ranking Republican Member, Mr. GOODLING, for giving us this opportunity to discuss the actions in our Committee on Education and Labor.

I think this is a particularly propitious time for us to do this, because health care reform has come to be understood as, and obviously remains, one of the most complex and interrelated subjects to come before the Congress in modern history. In fact, the American people are learning what we learned when we worked on the committee, namely, that the more you work on health care reform, the more you realize you do not know.

I think we would all do well to heed these facts as we consider health care reform both in the context of what we did in the committee and as we look ahead now that the future of health care reform seems so clouded and so perplexing. We must do everything possible to reach bipartisan agreement before the election is upon us.

□ 2020

I think specifically we must agree and understand that no one is not for health care reform. We all want that. The question is how do we extend coverage for the uninsured Americans while still protecting the highest quality of health care coverage enjoyed by more than 80 percent of the American people, and at a cost that can be borne by society?

I think it is important now to understand, and many of us having been home with our constituents over the recess have learned, that the American public is now pulling back. Yes, there are certain things that they want, and that they understand that they need, but the national polls show as much as anything that there is confusion among the public, a certain cynicism, and lots of unanswered questions. Certainly, that is what we have learned in our long trek in fashioning an alternative to the Clinton "chubby", as it was dubbed in the Committee on Education and Labor. But I want to say here that we know, as the American people now know, that there is no magic pill to cure everything that ails our system, and that health care reform is not simply a matter of going after the so-called rich doctors and greedy hospitals and the waste, fraud, and abuse. If it were only that we could get at the people who were gaming the system, we would be able to fix it almost overnight. But we have a new understanding of all the things that we need. Above all, we know through the work that we have done and through the work with our constituents that paying more for less health care is not what the American people had in mind when they called for health care reform.

Unfortunately, that will be the consequence of what the Democrats on the Committee on Education and Labor have put forth. Most Americans will pay more and get less health care.

I think we kept as our standard the first principle of health care, which is to do no harm. It was our guiding principle both on the subcommittee and on the full committee as we presented our alternative.

I would like to give a little attention to how we developed this alternative. Many of us had worked with our Republican leader, BOB MICHEL, and the Republican Health Care Task Force. We took the very fine work of that group, we added to it, and we dubbed it Michel-plus in subcommittee. Then it became Michel-plus-plus in full committee as we fine-tuned our alternative.

I think the important thing is not what we call it but exactly how it works: following our principle of do no harm while still not undermining in any way the very fine coverage that 80 percent of the American people already enjoy.

I think we have to go back to the way this whole health care debate first started. I have got to give credit to the President because he put it very succinctly in one of his speeches. But subsequently, I am afraid he lost sight of what he originally talked about: namely, the fear that the American people have that their health care insurance might be canceled. And indeed I do not know about you, but I have found in discussing with all of my constituents that it is the sick joke of the health insurance industry that you can only get health insurance as long as everyone in your family is completely healthy. If someone gets ill, you are in danger of having that health insurance taken away.

So the President put out as a goal health care insurance that can never be taken away.

Taking the first principle that the President correctly laid out at the beginning, we built on it in this Republican alternative. We said, "All right, now, what are the problems that most shift from anxiety to near panic in the minds of the American people?" Very simply put, that became known as comprehensive health insurance reform, and it formed the basis of the Michel-plus-plus alternative that we put forward.

Just to summarize, and I know the rest of our colleagues on the committee are going to focus on some of the more specific areas, but just to summarize, I want to say that this proposal of the Republicans on the committee was fashioned on comprehensive insurance reform principles. It would continue access to coverage and eliminate the job lock. It certainly goes a long way to eliminate the job lock; namely, giving you portability if you happen to lose a job or must or want for some reason to change your job. You have insurance portability that goes with you.

It restricts the loss of coverage due to preexisting conditions. And here I want to make it very clear for all our colleagues that the Michel bill had gone a far distance, but we improved upon it and closed any continuing loopholes on the preexisting condition question. It ends the cancellation of coverage due to illness.

So it would give the American people that security of knowing that when a person gets sick or when a job opportunity comes along, they would have continuous coverage.

I think an important thing that we also did was that we used a modified community rating system. We understood that you have to get a lot of people into the pool in order to make insurance reform work. But we did not go to the extremes of total community rating. We used the very well accepted actuarial standards of a modified community rating.

It also permits us to develop affordable coverage for small businesses in group reform. It gives us the assurance of continued ERISA requirements for

self-insured plans, and I think that is essential for continuing to provide an incentive for the good health care coverage that Americans currently enjoy.

I could go on to some of the more detailed issues here, but I think I summarize the feeling on our committee by saying that I think we should form this as the basis for a bipartisan effort to pass legislation this year. It will be admittedly incremental reform, but I think that is what the American people want. It would satisfy their genuine needs, and it will be a giant step in terms of bringing into the insurance pools small business, the self-insured plans, the self-employed—who would get 100 percent deduction for their costs. We could all go home, face the voters in the fall by showing that we have made progressive reforms; that we have dealt with the genuine needs, the obvious needs of the American people for continuous insurance; that we have done no harm to their existing insurance program; and we have broken the gridlock and set a foundation for all future actions as we reach towards universal coverage. Here, Mr. Speaker, I would include in the RECORD a summary of the Republican Substitute offered:

REPUBLICAN SUBSTITUTE TO H.R. 3600 HOUSE COMMITTEE ON EDUCATION AND LABOR

GOALS

The goal of this substitute is to preserve and build upon what works best in the system. We work toward the ultimate goals of affordable, quality, universal coverage for all Americans.

By making health coverage more available and more affordable, we believe that significant strides can be made to reduce the number of the uninsured as we move toward the ultimate goal of universal coverage.

EXPANDING COVERAGE

The Republican Substitute requires all employers to offer their employees a health plan meeting minimum standards of coverage.

The expansion of more affordable coverage would be encouraged by removing barriers and giving incentives to employers to pool their purchasing power under multiple employer health plans.

COMPREHENSIVE HEALTH INSURANCE REFORM

The Republican Substitute provides for comprehensive health insurance reform, addressing the real problems that we have seen center around small business.

It expands access to affordable group health coverage for employers, and increases coverage through Pooled Employer Health Programs.

The Republican Substitute provides continued access to coverage to help eliminate "job lock"; restricts the loss of coverage due to preexisting conditions; and ends the cancellation of coverage due to illness.

The Republican Substitute Amendment provides for affordable coverage for small businesses through small group insurance reforms that limit the range over which premiums can vary because of experience.

CORPORATE/SELF-INSURED

The Republican Substitute preserves a viable self-insurance option, to encourage multiple employer health plans under ERISA, and increases access through the formation of community health networks under ERISA.

In both cases, we hold these arrangements to strict criteria for quality assurance, coordination of care, and solvency.

COVERAGE/LOW-INCOME

Finally, unlike other plans, our substitute does not terminate state programs to address the problem of the uninsured. Instead, we make it clear that states have even more flexibility. For example, under a medical allowance program, states could extend Medicaid eligibility to all those under 100 percent of poverty and also to other uninsured individuals on an optional basis.

States could also be counted on to develop Accessible Health Programs for those "underinsured" who do not have access to the minimum standards of coverage through their workplace.

ADDITIONAL

There is a consensus to include additional incentives to help cover the uninsured, including the self-employed and low-income families.

Insurance would be more affordable for the self-employed by ultimately increasing the current 25 percent deduction to 100 percent, as allowed for employer-provided health care.

In combination with other measures enjoying broad and bipartisan support—comprehensive medical malpractice reform, administrative simplification, expanded community health centers—the Roukema amendment starts the process of extending coverage to those who are without.

These provisions are not included in the substitute because they lie outside the jurisdiction of the Committee on Education and Labor.

ENHANCEMENTS AND CLARIFICATIONS TO H.R. 3080—MICHEL-PLUS-PLUS

PREEXISTING CONDITIONS

Michel-plus-plus requires insurance companies to ignore preexisting conditions, if the employee elects coverage when first eligible. Includes all employer health benefit plans, including self-funded plans. Eliminates pregnancy as a preexisting condition and provides that coverage for newborns be available at birth (enhancement of H.R. 3080 provision that allows a six-month exclusion for conditions not diagnosed or treated three months prior to beginning coverage).

PORTABILITY

The improved preexisting conditions provision, H.R. 3080's guaranteed issue provision, and the requirement that employers offer access to health insurance ensures continuous availability of health coverage for those who elect when first eligible (as above).

VOLUNTARY ACCESSIBLE HEALTH PROGRAMS/ INDIVIDUAL MARKET INSURANCE REFORM

Michel-plus-plus clarifies that nothing under ERISA shall prevent a state from providing access to health coverage for those unable to obtain employer-based insurance. Michel-plus-plus further provides that States may adopt open enrollment periods and comprehensive insurance reforms in the individual market to expand coverage (clarification and enhancement of H.R. 3080).

DEFINITION OF MEDICALLY NECESSARY

Adopts definition of "medically necessary" in the same manner as the Federal Employee Health Benefits Program [FEHBP]. In this way, any adjudication will be based on standards of good medical practice in the United States, and NOT an unelected and bureaucratic National Health Board (clarification and enhancement of H.R. 3080).

STRUCTURE FOR SMALL BUSINESS INSURANCE POOLS

Provides structure for voluntary small business purchasing pools based on geographic area, trade or business association, franchise agreement. Requires Pooled Employer Health Programs to cover at least 250 employees or 500 participants; to provide open enrollment without reference to health status for all eligible employees; and to meet solvency and reinsurance requirements for plans not fully insured. Reduces requirements under ERISA to provide for voluntary establishment of pooled employer health programs (clarification and enhancement of H.R. 3080).

PART-TIME EMPLOYEES

Michel-plus-plus requires employers to offer access to health insurance to all employees who work at least 10 hours per week (a reduction from 30 hours per week under H.R. 3080).

COMMUNITY HEALTH NETWORKS

Provides "community health network" to the definition of a multiple employer health plan under ERISA. Community Health Networks are community-based health delivery systems organized by providers or community groups. Provides criteria for health care quality assurance, coordination of care, public accountability, financial solvency (clarification and enhancement of H.R. 3080).

ERISA REMEDIES

Michel-plus-plus clarifies civil remedies section under ERISA to allow prevailing plaintiff's reasonable attorney's and witness fees, court costs and prejudgment interest. Shortens claim response times and provides for altnerative dispute resolution through non-binding mediation (addition to H.R. 3080).

RURAL INITIATIVE

Adds $1.1 billion over 5 years for community-based health plans in rural and frontier areas, and for at-risk hospital and emergency medical services in rural and underserved areas (addition to H.R. 3080).

PATIENT PROTECTION

Amendment adopted in full Education and Labor Committee providing consumer safeguards for participants enrolled in managed health care plans. Requires plans to furnish to enrollees clear and truthful information related to benefits, covered services, required cost sharing, all prior authorization or other review requirements; and any financial arrangements that would limit patient services, including financial incentives not to provide medical or other services. Requires medical utilization review criteria to be developed in cooperation with board certified or similarly qualified health professionals, and input of network physicians and providers into a plan's medical policy, utilization review criteria and procedures, quality and credentialing criteria. Provides that plans wishing to terminate a provider's membership in a network must provide written notice, including explanation of reasons for removal at least 60 days in advance. Requires opportunity for appeal and peer review (addition to H.R. 3080).

SOLVENCY STANDARDS FOR SELF-INSURED SINGLE-EMPLOYER AND MULTIEMPLOYER PLANS

Provides for the Department of Labor to promulgate regulations relating to solvency standards. Requires arrangements operating health plans to inform the state in which

they operate, and requires Multiple Employer Welfare Arrangements providing health care to register and report to the Department of Labor and to each state in which they operate. Clarifies the ability of states to regulate multiple employer welfare arrangements which lack an exemption from the Department of Labor (enhancement and clarification of H.R. 3080).

STUDY ON DELIVERY OF HEALTH CARE TO ILLEGAL IMMIGRANTS

Directs Secretary of HHS to report to Congress within one year on the extent to which illegal immigrants obtain health care services, the costs attributable to these services, and the means for paying for them. Further requires Secretary to make recommendations for financing such costs, increasing intergovernmental cooperation, and for alleviating the health problems that affect this population (addition to H.R. 3080).

Mr. GOODLING. I thank the gentlewoman for walking us through our actions in subcommittee, where we tried our best to bring about a bipartisan effort that all Americans could support.

I would like to speak just very briefly about rhetoric versus what the committee bill actually does.

As you have heard a lot of rhetoric about what was done in our full committee markup, rhetoric that says Americans should have private health insurance. The fact is that the bill tips the balance to a government-run system by means of the so-called single-payer option.

The rhetoric says the bill builds on the current employer-based system; the fact is that for the vast majority of working Americans, the bill would eliminate their current individually purchased or employer-based health insurance plans and instead would require most to obtain coverage through government-based entities.

The rhetoric says security and savings, but what reliance can the American people place on legislation that is at least $120 billion unfunded at the very start of the program?

The rhetoric says choice; but what choice will consumers have when the Government stipulates one set of benefits each family must purchase regardless of whether it contains less than is wanted or costs more than at present?

The rhetoric says let the public choose the same health insurance that Members of Congress have. But the bill denies this option. The gentlewoman from New Jersey gave them that choice: Just take the Federal program. There you have 400-plus choices and you have many, many different options in relationship to cost. The rhetoric says quality, but the global budgets negotiated fee schedules and other Government controls in the bill would place the world's best medical technology and health care at risk of stagnation, of decline or of being rationed. The rhetoric says simplicity, but in nearly 2,000 pages of fine print, the bill is as top-heavy with complexity as the President's plan and mandates regulation under nearly 5 dozen new Federal, State, and other Government offices.

□ 2030

We offered, as the gentlewoman said—I offered in full committee what I called the Michael enhanced, and it was our attempt to move the process toward the goal of a bipartisan effort. Unfortunately, as I indicated earlier, the decision had already been made by the majority that we would have, as our beginning, the very best we could find and then add to that, not worrying about the fact that we may have moved from a $74 billion deficit to a $102 billion deficit to a $120 billion deficit, and all of these will be much, much higher than the projected deficit.

At this time I would like to yield to the gentleman from Illinois [Mr. FAWELL] who worked long and hard in trying to deal with some remedies to the proposal by the majority to offer some suggestions that the minority wanted to put forth.

Mr. FAWELL. Mr. Speaker, Winston Churchill said: "You can always trust the Americans to do the right thing * * * after they've exhausted every bloody alternative."

Probably, only one committee in all of Congress could take a very expensive, underfinanced, big government health plan, and make it more expensive, more underfinanced, and bigger government. What we have in the Ford bill is the grotesque monument to the law of unintended consequences. While some alternatives to the Clinton plan are called "Clinton Lite" because they are leaner, we call the Ford bill "Clinton Slovenly Fat" because it is so much bigger, more intrusive, and more expensive.

The problem areas I will focus on tonight are: First, the Ford bill includes remedies which award malpractice-like damages in cases of denials of health benefits which will add immeasurably to the cost of health care. Second, the Ford bill mandates that all individuals give up their present health care coverage and be directed to buy only the Federal Government's one-size-fits-all health plan, composed of an HMO, PPO, and FFS plan.

As to the remedies issue: The Ford bill, amazingly includes provisions which award malpractice-like damages, that is, compensatory and/or punitive damages upon proof that a regional alliance or corporate alliance health plan was guilty of a wrongful denial of health benefits. By malpractice-like damages, I refer to compensatory damages, that is, those customarily awarded in negligence cases, including mental distress, pain and suffering, and so forth. By punitive damages, I mean damages also awarded in negligence cases over and above compensatory damages. These types of damages are what makes medical malpractice insurance so expensive to health care providers—primarily doctors!

Compensatory and punitive damages are customarily confined to tort—negligence—cases, such as medical malpractice—negligence—cases. Conversely, such damages are usually not awarded in contract cases, that is, cases construing the provisions of a contract, such as, for instance, a health insurance policy. For example, no such damages have ever been awarded under employer-sponsored health plans operating under Federal law. Nor have such damages ever been a part of remedies available to the 9 million Federal employees under the Federal Employees Health Benefit Act.

Therefore, it is surprising to see compensatory and punitive damages included as remedies in any breach of contract case involving the administration's health care package, including every alleged wrongful denial of a health plan benefit. We all know the results of medical malpractice damage awards against health care providers. To now provide another dose of malpractice-like damages whenever there is an allegation that benefits under a regional alliance or corporate alliance health plan were wrongfully denied, is no way to control health care costs!

Such provisions will undoubtedly encourage litigation. Every health claim disagreement would have the potential of a huge jury award of the type which have plagued medical malpractice and product liability. The expense will be passed on up the chain, driving up health costs! In addition, fears of huge damage awards will result in the awarding of benefits not actually covered under the health care plan.

Under the Ford bill, remedies for malpractice-like compensatory damages are allowed in administrative actions and compensatory and/or punitive damages are allowed in court cases against both corporate alliances and health plans operating under regional alliances. There is one notable exception: Preferential treatment is afforded to multiemployer-union plans which are exempted from any court imposed malpractice-like compensatory and/or punitive damages!

Why the lack of uniformity of remedies? I think the answer is because of the strong inference of a bias toward union health plans in the construction trade. In committee, I offered an amendment to eliminate malpractice-like damages against all health plans.

So far, it has been refused by the majority along party lines. I hope that changes. We don't need Malpractice II in health care. One is enough.

Finally, the Ford bill mandates that people give up their existing health care insurance coverage in return for a one-way-for-all federally mandated comprehensive health care plan which includes about everything except Chinese acupuncture.

If however, the mandated plan is as good as its sponsors calm, then it should be able to compete successfully in the marketplace. If it is that good,

we should not have to mandate that anyone enroll in it. If it is that good, it need not be a competition killer in the market of health insurance coverage.

And it is a killer of all existing health care plans with the exception of medicare, postal union employee health plans, and veterans' health care. It kills off all employer-sponsored health care plans, in spite of the fact that 50 percent of employers now, under the Federal law known as ERISA, voluntarily provide health coverage for 70 percent of all employees. And these employer health plans of course compete against each other and supply new and innovative health care plans.

Most Americans don't know that the Clinton and Ford plans will force them to turn in their present health coverage and stand in line with millions of others to accept whatever the Federal Government dictates, along with global budgets, premium price controls, mandated fee-for-service schedules, ad infinitum.

There is a basic right of people—especially the middle class—to be able to choose the type of health care coverage they and their families need. Some may not want to be covered, for instance, for substance abuse, or stress management, or detoxification or abortion—the list goes on and on. No matter what big government knows best—the citizen must accept and pay for the coverage congress deems best.

This is not to say that health care in America does not need repair—that is targeted reform.

Indeed, there is a consensus in Congress for one or more of the following targeted reforms, to-wit:

First, funding medicaid up to or beyond the Federal poverty level.

Second, proscribing insurance companies from refusing health insurance coverage, or renewal, because of preexisting health conditions.

Third, voluntary regional or national health plans, protected by Federal law, competing nationally or, some day, internationally.

Fourth, high health risk pools, between insurers, so that affordable access can be assured for high health risks.

Fifth, market incentives, that is, employer tax deductions tied to a minimum standard health care plan; the use of reasonable coinsurance and deductibles; employee 401K-type medical savings plans with employer catastrophic coverage; individual out-of-pocket health care deductions; 100-percent tax deductions for the self-employed; standard judicial contract remedies rather than malpractice-like negligence remedies for breaches of insurance contracts; systemic changes such as malpractice and antitrust reform, extension of rural health care, computerized administration of health services, and so forth.

Concensus in these areas can be reached to help achieve affordable and portable access to health care without dismembering our entire health care structure in America. Remember, just because the present system is flawed does not mean Congress can't make it worse:

□ 2040

Again, I thank the gentleman for having this special order and allowing me to take a part in it.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for bringing to the attention of the American public what they might get if a plan such as that, that has come from our committee, would ever become the law of the land.

I would like to yield at this time to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Speaker, First, I want to take this opportunity to thank our ranking member, Congressman GOODLING, for his leadership during the Committee on Education and Labor's consideration of the Health Care Security Act.

President Clinton has clearly stated the important goals of health care reform in his plan which in concept we all share: Universal coverage for all, simplicity, and above all, security. However what the President's health care reform plan would do, is allow for the Government takeover of our Nation's health care system.

Despite the rhetoric we have heard on competition and consumer choice, the Clinton plan provides for massive Government intervention in the entire $900 billion a year health care industry, which constitutes one-seventh of the country's entire economy.

In my home State of New York, implementation of the Clinton health care plan would be devastating to a state and a city that is slowly trying to fight its way back to economic recovery.

Nearly 280,000 people in New York City work in health care, according to the Bureau of Labor Statistics—in hospitals, doctors' and dentists' offices, clinics, nursing homes, home-healthcare services, laboratories and dialysis centers. Health care employment now accounts for about 9 percent of the city work force.

However, if the Clinton plan is implemented, it has been estimated that 71,099 New York workers would lose their jobs, and another 1.8 million would face reduced wages, hours or benefits. And, New York workers would suffer a loss of wages and benefits of $8.15 billion. These are numbers that cannot be ignored.

Another fact that cannot be ignored is that New York has made a remarkable commitment to medical education. New York State's 13 medical schools graduate 1,900 new doctors each year, and its graduate medical education programs have more than 15,000 residents in training—60 percent more than the next largest State, almost 20 percent of all physicians trained in the Nation.

Currently, the Medicare Program reimburses hospitals for direct medical education costs on the basis of 1984 hospital-specific costs inflated by the Consumer Price Index. Direct medical education reform proposals in the Clinton plan would abandon the hospital-specific historical approach and instead use a price based upon a national average of costs across all teaching hospitals.

Teaching hospitals in the New York metropolitan area have above-average direct medical education costs, in part due to the abundance of services provided to indigent communities. If a national average direct medical education pricing policy were enacted for all payers, New York City teaching hospitals could lose between $200 million and $550 million annually.

New York's medical education programs are a national resource and must be viewed in that regard. Most of the current health care reform plans will force New York's medical centers—some of them established before the birth of the Nation—onto the endangered list. Some might ask if these hospitals deserve special consideration in the pending health care bill—consider this brief, and only partial—record of accomplishment:

In 1943, Dr. George Papanicolaou developed the Pap test for early cancer detection at New York Hospital.

In 1961 New York University's Dr. Albert Sabin began the work that lead to the live-virus oral polio vaccine.

In 1971, Dr. Saul Krugman of Bellevue Hospital developed the first vaccine for hepatitis B.

In 1993, Columbia-Presbyterian's Nancy S. Wexler, Ph.D., won a Lasker Award for her role in identifying the Huntington's disease gene.

As one doctor put it, "if you think excellent biomedical education and research are expensive—try ignorance and disease."

Clearly that is the road the Clinton health care plan takes us down.

Under the Education and Labor Committee bill, New York hospitals would lose 25 percent of their residents—about 3,800 of the current 16,000. As a result, hospital costs would soar, for hospitals will lose 25 percent of the payments they now get to train residents.

No one in the Clinton administration has thought through how to deal with that reduction.

Residents treat patients and they teach medical students and junior residents—they are the backbone of the health care system—they are the ones that are there 24 hours a day, 7 days a week. When residents are eliminated,

somebody will have to care for patients—but the hospitals will have to hire two, possibly three replacements, for every resident lost. No one else has thought about how to pay for those additional doctors.

Foremost, reform of the Medicaid program should be central to true health care reform and it must include a change in the Medicaid matching formula to correct the inequities and insure that States like New York will get their fair share. Right now, New York receives only a 50 percent Federal match of funds, while States like Arkansas receive above 70 percent—even though they provide less comprehensive Medicaid coverage.

For more than a quarter of a century, New York has contributed more than its fair share to the Federal Government. But while Washington has taxed New York's wealth, it has not adequately assisted New York's sick and indigent.

While President Clinton's intentions are admirable, his health care plans does not answer our health care problems. He exacerbates it. Implementing an untested and unproven Government-run health care plan would be a mistake.

The United States has the finest quality health care in the world. We have 86 percent of Americans covered by health insurance, and three-quarters of Americans are satisfied with that coverage.

Every day due to the medical education that we can still afford in many cities and rural areas in our country, we come closer and closer to finding cures to incurable diseases that remain today.

Yes, we have to make changes, Mr. Speaker, but clearly the President's plan is not the answer.

I thank the gentleman for giving me some time to talk albeit it a little parochially about the effects of the President's plan and the plan passed out of the Committee on Education and Labor and its effects on one of the largest States in the Union.

Mr. GOODLING. I thank the gentlewoman for the statistical information she gave us and the devastation that could come to medical education if we were to actually pass the plan that came from our committee.

At this time I yield to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, on the minority side, we did not support the plan out of the Committee on Education and Labor. There were such things as quack medications that were included, Hawaii had waivers to take itself out of the health care plan and was granted that waiver.

One committee member, the gentlewoman from California [Ms. WOOLSEY], offered a $3.5 billion increase, and when the gentleman from Wisconsin [Mr. GUNDERSON] asked her a question about it, the chairman said, "You know how you're going to vote. There's no need for debate."

No need for debate on a $3.5 billion add in a health care plan?

□ 2050

There was no dealing with the illegal immigration costs on health care across the Nation. Clinton's plan contributed $120 billion toward the deficit. And we also tried to have Congress Members have the same plan that we were going to insist that our constituents had. All of these were on partisan line votes, and beaten.

It has been repeatedly stated that choice and flexibility are the key to the success of any health care plans of over the 18 that are out there today. I offered a medical saving type option that again was defeated on a party-line vote.

Let me give you an idea of what we were talking about in Medisave, because, Mr. Speaker, it is very, very important to understand it.

The Wall Street Journal said the idea of the medical savings account is the most bipartisan proposal in Congress. It is also included in Senator DOLE's health care reform. It is included in the Republican and Democrat version of the House Ways and Means legislation. But in our committee, it could not be passed.

But under the Medisave plan, a worker and his employer might now be paying $4,500 for a year for a family policy. They could buy a high $3,000 deductible policy for about $2,000. That leaves you $2,500 that you still have. That $2,500 in a medical savings account, called an MSA, is the property of the worker. He gets to retain it. He gets to apply it to either the premiums or additional health care costs that that individual would incur. If the family has medical expenses during the year, that $2,500 is used by the person, the employee. If there is catastrophic care, it is handled by the insurance. But it is a dual plan with the insurance company, to where the employee has control of his life and dollars going toward medical care.

The key advantage of a medical savings account is that it puts the consumer in control. That is a rare moment in this body, that usually tries to put the Government in control of every issue of anyone's life.

Since the account belongs to the consumer, it gives them an incentive. And if you were going to ask in one word, in one word, the difference between Bill Clinton and DUKE CUNNINGHAM, it would be the word incentive. Give someone an incentive to save, give someone an incentive, such as an IRA to save, that is tax deductible, and they are going to do it. You take that away, and it takes away that incentive.

The consumer, not the Government, decides where to spend the money. There is incentive to manage this money carefully, the flexibility to save and seek preventive care and make your own decisions. It may not be the answer for everyone, but it sure would be the answer for the majority of people.

The MSA, the medical savings account, is also portable. If you go from one job to the other, your insurance policy and the medical savings account is transportable. It is portable, which most people wanted. Also it covers with preexisting conditions.

Currently providers who receive revenue based-only services provided get financially rewarded by ordering the most expensive tests. If you are dealing with your own accounts and your own dollars, then you will be more careful in how and how wisely you spend that money, thus saving the health care expenses and costs.

Medical MSA's empower the consumer by restoring the patient-physician relationship. Health care must have the MSA.

California has led the Nation in the introduction of managed health care delivery, because the California population is growing twice as fast as the Nation's. Twenty-one percent of California's population is currently uninsured. But we also offered an amendment that would take care of the illegal immigrant problem that is costing the State of California much money. We would have hospitals not reimbursed by constituents, but the hospitals would be reimbursed by the Government. They turned that down. A mandate by OPA '86, and they turned it down. The Government mandates it, they should have to pay for it. Even that was defeated in this committee.

Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. GOODLING], for taking this special order and letting the Members know how it affects every American.

Mr. GOODLING. I thank the gentleman for his contribution.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, what I would like to share with my colleagues are some of the observations that I have made sitting through 7 weeks of hearings, 7 weeks of markup. Some of the interesting things, when we take a complex problem like health care, and where I thought we would be focusing on how best to deliver health care to the American people, and we did spend a lot of time in talking about that, but then what happens, as we move it in the political process and start to politicize health care, we move away from talking about a solution to what works politically or what may work for a Member in a specific district, or, heaven forbid, what do we need to do to get somebody to vote for a plan.

I have a couple of examples that I think the Members would again be very interested in. Before I talk about what we did in the Committee on Education and Labor, I would like to talk about what happened at the tail-end of the other committee that passed out the Clinton bill, which is the Committee on Ways and Means.

It talks about a little story. This is out of the Chicago Tribune. They described this as what happens to get people to support a bill or how we take care of the powerful people in health care.

Now, remember what this means. It means as we talk about health care in the future, whether you get good health care or get a new hospital, or whether you get doctors or you get so many medical students in your hospitals, teaching universities in the future, may depend not on the need or the requirement, but may depend on which party your Representative is in.

This is an example on the Committee on Ways and Means. They tacked in an amendment which benefits teaching hospitals. It does not benefit all teaching hospitals in the country. It happens to benefit three teaching hospitals.

On June 29, an amendment was prepared with the help of Members of Congress from Chicago and New York, approved with little public discussion. It is going to benefit three teaching hospitals, one in Chicago, of the former chairman of that committee, Congressman ROSTENKOWSKI. It is going to benefit another senior Member's district in New York, CHARLIE RANGEL, and it is going to benefit a teaching hospital in Los Angeles.

Three teaching hospitals, not specifically mentioned in the bill, but the requirements are written so stringently that only three teaching hospitals of all the teaching hospitals in the country will reap millions of dollars of reward because their Congress people were on the right committee at the right place at the right time.

Now, let us go and talk about what we did in the Education and Labor Committee, which just astounded me. We have what we call a National Health Care Security Act.

Well, what we did in our committee is made sure it is no longer a national program, it is now a continental U.S. Health Security Act, because we included language that allows the National Health Care Board, now the semi-National Health Care Board, to exempt Hawaii from a national or semi-national system.

So Hawaii can now be exempted. So we went through the process and said well, there is a set of criteria that says if Hawaii meets these criteria, Hawaii can be exempted. So the rationale would be well, if Michigan meets those criteria, we should maybe change the language that says if any state meets these specific criteria, they also can be exempted.

That was a stroke of logic which I find does not work here in Washington. We proposed an amendment like that, and it was defeated.

Then we said, what about the process? States have been experimenting on health care in all 50 States about delivering good health care. There are other States that have developed systems that work as effectively as what Hawaii does. But they have done it in their own way. The States have taken action. State legislatures, local countries, local units of government, have taken actions to solve the health care problems in their area.

□ 2100

So we came up with another proposal that said, perhaps if Hawaii can exempt itself what we ought to do, and this is the amendment that we proposed, and it says very simply, no State shall be considered to be a participating State for the purposes of this act unless a majority of voters in the State by a statewide referendum approve the State becoming a participating State. That is the legalese language. That is how they make us write stuff here in Washington. What it basically says is, if the people of Michigan want to give up the system that they have developed, they can do so, not by what we do here in Washington by mandating on the State "you will be a part of this program." But it says the voters in the State will be the ones that determine, through a referendum, we are going to vote, we are going to give up our system. We are going to participate in the national system through a statewide referendum. We are moving decisionmaking exactly where it should be.

We are moving it out of Washington. We are giving the people in the country the opportunity in each State to pick which program they want to participate in.

The disappointing thing is, those same people that voted to exempt Hawaii defeated this amendment and said, sorry for the rest of you, what we have decided here in Washington is what you are going to get.

Mr. GOODLING. Mr. Speaker, I thank the gentleman from Michigan.

I yield to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Speaker, I want to thank the gentleman for the leadership that he has provided in setting up this special order tonight and for the leadership he has provided in taking us to this point.

I think that there are two things that I would like to talk about that scare me about the Government-run bureaucracy running something as important as our health care system. As you know, the earthquake that devastated our area last year, the epicenter was in my district. And I have an actual example that I have seen in my district of national health care.

The veterans hospital was damaged and a decision was made here in Washington to take the hospital down, to move the patients from that facility down to another facility in West Los Angeles. The reason given was that that hospital in West Los Angeles was underutilized and it was best for the Government to move those patients to that facility where we could get better utilization and the patients that were using the hospital, the veterans and their families would just have to put up with the inconvenience. It was just another 15 miles, which equates to about an hour driving down there and causes great difficulty.

I have a letter from one of my constituents. I would like to read just a couple of excerpts from this letter, indicating the problem that one of these families has under Federal bureaucratic health care:

DEAR MR. MCKEON: In May of 1994, we wrote to you about John's father who is a World War II veteran who is an amputee and a former POW. At that time we requested answers as to why the Sepulveda VA was not going to be rebuilt. We thought that you should hear the rest of the ordeal this man and his family was put through thanks to the Wadsworth VA.

When dad checked into Wadsworth on Friday, June 10, 1994, no one knew he was coming. It was 3:30 p.m. before he was given a room and he missed lunch, which isn't a good idea for a diabetic, but he was busy waiting, taking tests and following orders. He rode home that afternoon on a bus with three other people and the driver.

Skipping, I will just highlight this:

Dad had a total knee replacement on June 13, 1994. He was taken from his room at 6:30 a.m. No one knew where his family was supposed to wait and no one advised us of his status until after we started knocking on doors to see if he was back from surgery. This was after 1 p.m. His wife of 52-plus years and family were worried for several hours due to not being advised of the delay in surgery.

He awoke after surgery to find that his left arm cannot be raised and two fingers are numb. No one seems to have an answer for how that condition occurred or what to do regarding it.

The doctor was supposed to order his Indocin on the Thursday after surgery because he developed gout and he never received it until Friday evening.

One-and-a-half days before he was supposed to go home he was moved from floor 5 to floor 2.

They go on and tell other problems that he had. He was put in a room with a bathroom and told that they do not use bedpans on that floor. You take a man with one leg and get him to try to reach a bathroom.

Needless to say this was not a pleasant stay. It was a lonely stay also, since his wife could not make the long drive by herself and the rest of the family has to work. Therefore it was weekends and 1 day in the middle of the week because of the horrendous traffic on the freeway. Had he been at Sepulveda his wife and family could have visited him every day and his spirits would have been much better. After 20 days he was really depressed.

They wanted him to stay another week but he pled a good case to go home.

This is one example of a health care run by a Federal bureaucratic system where a decision is made in Washington without regard to the patients somewhere across the country.

One other thing that scares me to death is the effect that this will have on business. Small businesses account for a major part of the American economy. We know that several reports show that there will be a drastic job loss. In California alone, the employer mandate, which is a payroll tax, which is a tax by any name, they might call it a premium, but we know, and the American people are smart enough to know that it is a tax. This mandate shows that there will be huge job losses. In California alone, a report was released just last month by the State of California Governor's Office of Planning and Research which showed the effect of the Clinton plan on California and the Nation.

In California alone, the study concludes that job loss would range between 476,000 and 650,000 jobs. These losses would exceed all of the California jobs lost from the defense cuts and would postpone the California economic recovery by up to 2 years.

We have been in a depression out there now for going on 3 years. To add another 2 years onto this, based on this kind of a health care system, I think is a travesty and should not be imposed upon the American people. They have shown that they are strongly opposed to this. I think it is time that we just back up a little bit, bring some common sense to the debate and the discussion, bring the American people in on the discussion.

We have a vote coming up in November. Let them participate.

Mr. Speaker, I thank the gentleman for this opportunity.

Mr. Speaker, I include for the RECORD the letter to which I referred.

JOHN & JEAN HALVORSON,
North Hills, CA, July 2, 1994.

Re rebuilding of Sepulveda VA Hospital.

Mr. HOWARD "BUCK" MCKEON,
Cannon House Office Building,
Washington, DC.

DEAR MR. MCKEON: In May of 1994, we wrote to you about John's father who is a WWII Vet who is an amputee and a former POW. At that time we requested answers as to why the Sepulveda V.A. was not going to be rebuilt. We thought that you should hear the rest of the ordeal this man and his family was put through thanks to the Wadsworth V.A.

When Dad checked into Wadsworth on Friday, June 10, 1994 no one knew he was coming. It was 3:30 pm before he was given a room and he missed lunch, which isn't a good idea for a diabetic, but he was busy waiting, taking tests and following orders. He rode home that afternoon on a bus with 3 other people and the driver.

When we brought him back to his room on Sunday, June 12, 1994 we noticed his name was on the board in front of the nurses station and the word "SEPULVEDA" in parentheses after it. In fact the word "SEPULVEDA" was after every patient's name from the Sepulveda V.A. None of the other patients had "Las Vegas", "Arizona" or "Bakersfield" after their names.

Dad had a total knee replacement on June 13, 1994. He was taken from his room at 6:30 am. No one knew where his family was supposed to wait and no one advised us of his status until we started knocking on doors to see if he was back from surgery. This was after 1:00 pm. His wife of 52+ years and family were worried for several hours due to not being advised of the delay in surgery.

He awoke after surgery to find that his left arm cannot be raised and 2 fingers are numb. No one seems to have an answer for how that condition occurred or what to do regarding it.

The doctor was supposed to order his Indocin on the Thursday after surgery because he developed gout and he never received it until Friday evening.

He was in Wadsworth 20 days and most of his meals were cold, eggs runny, and food tasted like sawdust. We realize he was on a diabetic diet, but we know from experience that food doesn't have to taste like sawdust nor does it have to be half cooked. He says that his weight hasn't been this low since he was a POW.

1½ days before he was supposed to go home he was moved from Floor 5 to Floor 2. There, he was informed that they didn't use bedpans on that floor. Try going to the bathroom on one leg with a new knee replacement. When they moved him to floor 2 they forgot to transfer his Indocin so he wasn't given that medication for the duration of his stay. They did however start to check his blood sugar 18½ days after he entered the V.A.

Needless to say this was not a pleasant stay. It was a lonely stay also, since his wife could not make the long drive by herself and the rest of the family has to work. Therefore, it was weekends and 1 day in the middle of the week because of the horrendous traffic on the freeway. Had he been at Sepulveda his wife and family could have visited him every day and his spirits would have been much better. After 20 days he was really depressed. They wanted him to stay another week but he pled a good case to go home.

1. Why are Sepulveda V.A. Vets labeled?

2. Why can we afford to run several empty buses between the Sepulveda V.A. and the Wadsworth V.A.?

3. Why can we afford to fly patients in from other states but not be able to give Sepulveda patients good care?

4. Why is the Wadsworth V.A. so incompetently run? Or is it that they really are treating the Sepulveda patient differently?

It really seems as though priorities have been misplaced badly. We all owe the Vets much, much more than we can ever repay. Seems that rebuilding the Sepulveda V.A. is a small token of that repayment, but it would mean a lot to those Veterans.

Sorry, not for you. You did answer.

Sincerely,

JOHN & JEAN HALVORSON.

Mr. GOODLING. Mr. Chairman, I yield to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Speaker, when I first came to Congress over 18 months ago I came with high hopes about the prospects of achieving real, bipartisan health care reform. The new President and his wife expressed their intention to reach out and work with both sides of the aisle and I saw a real commitment on the part of my Republican colleagues to craft sensible solutions. Those hopes quickly evaporated when I saw Bill Clinton's big-Government plan coupled with stridently partisan rhetoric. According to Bill Clinton, anyone who didn't support his plan was against health care reform, against the middle class, against the poor, and against the elderly. In the meantime, House Republicans continued to develop workable solutions that resulted in the Goodling substitute.

Unfortunately, the White House has decided to ignore Republicans, ignore moderate Democrats, and to ignore the American people and attempt to ram a massive tax-and-spend plan through. Senator JAY ROCKEFELLER has vowed that "we're going to push through health care reform regardless of the views of the American people." It won't work. The more the American people learn about the Clinton plan, the less they like it. The American people have made it clear that health care reform doesn't mean supporting a Government takeover of one-seventh of the economy. Today, I received a letter from Barbara Brand of Sarasota, FL, a constituent. She summarized exactly what I've been hearing for the past 10 months. It says, "no to Government controlled health care; not to the give-a-way of our freedoms. Is this clear?" Yes, Mrs. Brand, it is clear. The American people have made it clear and the only people who haven't gotten the message are the folks at 1600 Pennsylvania Ave.

I would now like to focus on a particularly troubling aspect of the bill produced by the majority on the Education and Labor Committee. The district I represent contains the largest number of senior citizens in the Nation and I think senior citizens are the big losers under this plan.

The Health Security Act will reduce both the access and the quality of health care for our seniors. First, the legislation allows States to place Medicare patients into mandatory purchasing cooperatives. Medicare patients would then be forced to choose between the three plans offered by the Government. Millions of lower income seniors would be forced to choose the low-cost-sharing option. I offered an amendment to give Medicare patients the option of staying in Medicare, but the Democratic majority voted it down.

□ 2110

Why? According to a Democratic staff member, "we are under pressure to get this health reform bill out of the way and we're just not willing to get into the whole Medicare thing right now." That's a direct quote. They didn't have time to protect the elderly.

Next, I do not support financing universal coverage on the backs of the elderly. Based on what the Ways and

Means Committee produced we all know that the financing for this legislation relies on $480 billion in Medicare cuts. As former HCFA Administrator Gail Wilensky has said, removing this much money would "be a serious mistake unless the elderly understand that it will affect the level and availability of their health care." I haven't heard many statements from the White House asking seniors to accept a lower standard of care.

But by far the most damaging aspect of the Clinton plan for seniors are the price controls and global budgets of title VI. Rapidly and inflexibility ratcheting back on health care spending will result in the rationing of health care in America—and the group most vulnerable to rationing schemes are the elderly. This legislation mandates zero-real growth in health care spending by the year 1999. No country in the world, even those that explicitly ration care, have controlled health care spending to that extent.

In short, the Ford mark asks the elderly to finance universal coverage. The Ford mark goes beyond the Clinton plan by offering even more benefits—without saying how to pay for them. That makes it even more likely that the draconian Medicare cuts of the original Clinton bill will be needed to finance the plan. The Ways and Means bill offers fewer benefits and contains $480 billion in Medicare cuts!

Reduced choice, forced enrollment in new untested systems, lower quality of care, and reduced access to medical services are not what the seniors in my district have in mind when they talk about health care reform.

In the next few weeks the White House and the Democratic leadership and their allies will attempt to brand anyone who opposes their bill as opposed to health care reform. Nothing could be further from the truth. There is not a Member of Congress who does not recognize the need for change in the system. But we are talking about people's health care. We are talking about one-seventh of the economy. We are talking about people's jobs. I will not support a bad bill, even if it means we have to wait until next year to forge a workable solution.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for his participation, and now yield to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. GOODLING], the ranking member of the Committee on Education and Labor, and not just for yielding to me, but for all the work he has done for the children of this country. Working with him for the past year, I have been tremendously impressed by not only health care, education, labor standards, whatever.

Mr. Speaker, the Members have had a long night, and I will try to be brief. The time for this special order is almost over, as it is.

Mr. Speaker, I just want to share a few thoughts at the end of all this about where we are going with health care. We hear the debate about health care, and it is without a doubt in my mind the most complicated domestic issue we have ever undertaken to deal with in the Congress of the United States of America.

Yet, I think in a sense it can be boiled down to relatively simple elements, because 85 percent of the people of America are covered by Medicaid, Medicare, health insurance through an employer or their own health insurance, in some way or another, and about 15 percent, roughly, are not covered.

The people who are covered basically feel, even though they may be underinsured in certain areas, that they are receiving good health care coverage in this country, perhaps better than anyplace in the world. Everyone is concerned about costs. I have not spoken to anyone or talked to anyone or have had anyone address me at a parade or whatever it may be, who has not said, "Why is health care so expensive today?" So we have to worry about that 15 percent who do not have the coverage and we have to worry about the costs of health care.

Mr. Speaker, we tend to think that all the conventional wisdom on how to solve the problems of health care is right here in Washington, DC. I do not think that is accurate. I think it is out in the States, it is out in the capitals of the States. It is certainly out in Hawaii, which has been exempted under the Education and Labor markup, because they feel their system is doing so well that they do not want to be included in it if they can meet certain standards.

The gentleman from Michigan [Mr. HOEKSTRA] mentioned that he had introduced an amendment which was turned down, saying that other States could get out by referendum. I introduced an amendment which was also turned down, saying if the other States met those same conditions, could they get out, and the answer was no, they could not. But why should they not be able to get out?

What we are missing in the United States of America today is the fact that it costs this country, in all of those State capitals, all manner of problems dealing with health care being solved on a day in and day out basis. We basically have to expand universal access to health care. We have to contain costs, and we can do this by not passing a major piece of legislation, turning it over to the Federal Government in Washington, but giving more flexibility to the States, particularly in the Medicaid programs, which the States helped pay for anyhow, about 50 percent of them, and giving them the flexibility to carry out what they need to get done.

When I was Governor of the State of Delaware, we passed a piece of legislation that allowed us to work within the Nemours Foundation through the Medicaid program in order to provide universal health care for all the children in the State of Delaware. I cannot imagine a more beneficial program to offer in a State than that was, and yet we spent 18 months moving a mountain of paper work through Medicaid, and we are spending $7 million in addition to that, but it took us 18 months in order to get this done.

State after State has had this problem and yet 10 States are talking about universal health care, some States are talking about universal health care, without any other greater expenditures except to give them more flexibility under Medicaid.

I know in my State, after having examined very carefully a whole series of services which we provide there, try to provide there, that of that 15 percent or 95,000 people in my State, when we look at the Nemours Foundation for Children, when we look at the clinics we have in the city of Wilmington and in our rural areas, when we look at the services provided by our medical society, when we look at what our hospitals do, when we look at a variety of other services for the poor, when we look at insurance reform, all of a sudden we find that perhaps it is not 15 percent; that yes, there is 15 percent without insurance, but it is a much lesser number that we are dealing with who may not have access to health care in the United States of America.

The States have universally, each and every one of the 50 States, have come forward and they have taken steps which have greatly addressed and alleviated this problem, and yet we are trying to reinvent the wheel because somehow or another we have to do it in Washington.

Frankly, Mr. Speaker, it does not work particularly well from Washington, DC., and we have seen that with numerous programs. Medicaid and Medicare are an example of that, as are some other programs which we have seen come out of Washington, DC.

I would suggest, Mr. Speaker, that whatever we do in health care, regardless of which plan actually comes up in the House or in the other body, that we take the opportunity to make sure that the States are given that flexibility, the States are given the opportunity to solve the problems.

In fact, Mr. Speaker, I would suggest that we give that to them first and then see what they can do, give them extra flexibility, come back in a couple of years and see what we can do to resolve whatever problems are left. What we will have, we will get the universal health care a lot faster than we are going to if the Federal Government

does it, we are going to do it at less expense, we are going to do it in the way services are being delivered in those States now, and you will have a dramatically improved system without going through the large bureaucracy and expense of the Federal system.

I will leave it at that, Mr. Speaker. I feel strongly we need to pursue it in that way, and hopefully we can address that here in the weeks to come.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for his participation. Particularly having been a Governor, he truly understands what problems the different States face.

Again, I hope the American public understands that we on the minority were there with substitutes, we were there in a spirit of compromise, we were there trying to build a bipartisan coalition. We wanted to attack the portability issue, the preexisting condition issue, the malpractice issue, paper work simplification, cost containment.

All of these things we could have done, Mr. Speaker, but we did not have that opportunity. I hope we will in the near future.

Mr. BOEHNER. Mr. Speaker, we in this body must ask ourselves a question on health care reform—who will really pay for an employer mandate? The proponents of the mandate claim that it will be the employer who pays. Studies and statistics show that the employees will bear the brunt of a mandate.

As a small businessman, I know how difficult it is to run a small business and meet a payroll. I know that if businesses can afford to provide health insurance to their employees, they will do so. What Congress must understand is that health insurance is a valuable benefit. Employers want to offer it in order to retain high-quality employees. However, the fact is—most simply cannot afford to provide the insurance to each and every employee.

If Congress forces employers to pay for the insurance, they will have to find the money from within their own operations in order to comply with the mandate. If they cannot find the money, they will have to either lay-off employees, raise prices, or close their doors altogether. Various studies have put the estimated job loss from an employer mandate at between 800,000 and 3.8 million individuals.

If an employee can hold onto his job, he will most likely receive health care at the expense of wages and benefits. CONSAD predicts that 23 million workers will have their wages and benefits reduced as a result of the mandate. The National Bureau of Economic Research estimates that 85 percent of mandated benefits would be paid by workers through reduced wages. The Congressional Budget Office [CBO] has concluded that "employers facing an increase in their premiums would probably shift most of the added costs to their workers through reduced cash wages."

The employer mandate will impact the poor and unskilled workers the hardest. As the Employment Policies Institute recently reported, "since a percentage increase in the cost of unskilled labor reduces demand for that labor more than a comparable increase reduces the demand for skilled labor, job losses will be concentrated in these unskilled positions."

Of course, businesses could raise their prices, however, raising prices in response to a government mandate is the same as imposing a hidden tax on consumers. We must also remember that retailers must account for the price increases passed on by suppliers, manufacturers, and wholesalers—all of which will be affected by the mandate. There are those businesses that simply cannot raise their prices without pricing themselves out of a market, or having people decide to forgo their product or service.

I am fully aware of the increasing pressures facing small businesses. Government already makes it difficult enough to succeed considering the multitude of taxes, regulations, and mandates. In the past few years alone, there have been mandates from the Clean Air Act, Americans with Disabilities Act, Civil Rights Act, and Family and Medical Leave Act. Congress shouldn't make it worse with a health care mandate and tax.

On a final note, the proponents of the employer mandate are trying to sell their plan as a free lunch. They are in effect saying to the American people, "don't worry, your employer will pay 80 percent of your health care." However, it will not be the employer who pays, but rather the employee—through lower wages, reduced benefits, and the possibility of permanent job loss. Congress should be honest with the American people and reject the employer mandate.

Mr. GUNDERSON. Mr. Speaker, after 7 weeks of deliberations, the House Education and Labor Committee completed consideration of their version of President Clinton's health reform initiative. Our committee had a great opportunity to design a bipartisan package that could improve the affordability and accessibility to our health care delivery system. Unfortunately, we were not able to vote out a bipartisan package, although several bipartisan amendments were included.

Any legislation of this magnitude contains both positive and negative elements. The sections of the bill pertaining to rural health care illustrate the positive result that comes from bipartisanship. Mr. WILLIAMS, the chairman of the Subcommittee on Labor-Management Relations, and I worked together to guarantee that the rural health care delivery system will be greatly improved. This will be accomplished through the creation of Rural Emergency Access Care Hospitals [REACHs] which will enable rural communities access to 24-hour emergency medical care, additional assistance to Medicare-Dependent Hospitals (hospitals that have over a 50-percent Medicare patient load), and the development of rural hospital and outpatient facility assistance grants to expand health care services to underserved communities.

Despite some of the Education and Labor Committee's provisions that improve health care, there are many which will have a negative impact on the health care system. These include elements regarding self-insured businesses and the training of health professionals.

The bill that passed the Education and Labor Committee contains an improved provision over President Clinton's original proposal for self-insured businesses. The Clinton plan states that if a business has 5,000 or more employees, they may self-insure. The Education and Labor Committee lowered the number to 1,000. Although the change to 1,000 is a step in the right direction, this number must be lowered even further for two reasons: First, over 67 percent of the U.S. workforce receives benefits under self-insured plans and second, between 50 to 60 percent of the businesses that self-insure are under 500. I believe that a business should be allowed to self-insure if it meets the following test: First, offers at a minimum, the same benefits package included in the health reform proposal that passes the Congress and second, includes a risk assessment component. The self-insured issue is one of the most important to small-and medium-sized businesses. In western Wisconsin, alone, there are at least 200 businesses that self-insure and have an average number of 50 employees. Most of these businesses have successfully been self-insured for years. Let us all work toward enabling those businesses to continue their self-insured status.

The Education and Labor Committee bill establishes a National Institute for Health Care Workforce Development. The purpose of this institute is to develop and implement high performance, high quality health care delivery systems by working with the entire community. My concern with the creation of this Institute is that it duplicates the responsibilities of existing entities overseeing health care workforce issues. One example of duplication is the Office of the American Workplace located in the Department of Labor and an annual budget of $30 million. The specific goal of this office is to "build partnerships with business, labor, and Government to promote high-performance work practices and effective labor-management relations" which appears to be similar to the goal of the new National Institute for Health Care Workforce Development. Although I am sensitive to the needs of health care personnel who may have to make career transitions due to health care reform, I do not see the need for the Federal Government to say that health care workers should be given special treatment over any other group of workers. I urge my colleagues to delete this section when the health reform bill comes before this body in the near future.

Mr. BALLENGER. Mr. Speaker, the House Education and Labor Committee approved a health care plan that mirrors the proposal put forth by President Clinton. It includes burdensome Government mandates, a costly standard benefit package, global budgets, price controls, and inefficient Government bureaucracies. During 19 days of deliberation, the committee managed to add at least $120.3 billion to the Federal deficit—roughly $6 billion a day. The original Clinton proposal was 1,342 pages long, and with the input from the Education and Labor Committee, another 658 pages was added to an already complex bill. The House Education and Labor expansion of the Clinton plan takes bad policy and makes it worse. Needless to say, I am opposed to the proposal.

Today, I would like to focus on several of the amendments that I offered during the committee debate that were rejected by the majority.

One amendment I offered addressed a serious labor law concern raised by the Ford-Clinton health care proposal, that is, the relationship of guaranteed comprehensive health care benefits for every worker and the continuing obligation of employers and employees to bargain collectively over such benefits. As we know, negotiating over health care can be one of the most contentious subjects in the collective bargaining process, and it frequently leads to labor and management strife.

As you know, under the National Labor Relations Act [NLRA], issues that may be negotiated by labor and management are generally separated into two classes—mandatory subjects of bargaining and permissive subject of bargaining. The respective rights and obligations of unions and employers in bargaining with each other often depend on whether an issue is considered to be permissive or mandatory. Of course, some subjects are simply illegal to bargain over, such as proposals to implement a policy contrary to existing law.

Mandatory subjects of bargaining include wages, benefits, working hours, or working conditions. Health care is a mandatory subject of bargaining. If management and labor bargain over a mandatory subject, like health care benefits, either party may insist on its position until an impasse is reached and then labor may strike or management may order a lockout. Thus, failure to reach consensus on a mandatory subject of bargaining can prevent a collective bargaining agreement from being reached. In addition, during the life of an agreement already in place, an employer may not order any changes in mandatory subjects previously agreed to without first bargaining with the union.

Permissive subjects of bargaining include any other item that the union and the employer may bargain over such as internal union affairs. In this case, either party may try to initiate bargaining, and, if the other party is willing, they may address the subject in the agreement. However, if the other party does not wish to bargain, the issue is taken off the table. A strike may not be ordered by a union and a lockout may not be ordered by the company. The parties simply go on to other matters.

My amendment, if it had been adopted, would have virtually eliminated labor-management tensions over health care issues by taking increases in health care benefit levels off of the collective bargaining table unless both of the parties—the employer and the union—want to negotiate over them. My amendment would be limited to situations where labor wanted to press for increases over what is in the law or a collective bargaining agreement. If the employer wanted to seek cutbacks below the agreement, that would still be a mandatory subject and the union could strike.

Now, under the Education and Labor version of health care reform the Federal Government is saying to employers and their employees: This is your health care benefit package. We have already decided what is the best package for you and do not worry, because it is a comprehensive package. Indeed, it has even been expanded.

By requiring every employer to provide a comprehensive package of health care benefits, the Clinton-Ford bill imposes substantial costs on companies—both large and small. Let us be honest—comprehensive health care is expensive. Under the Clinton-Ford plan, benefits mandated by the Government would include hospital care, emergency services, preventive care, mental health and substance abuse services, family planning, hospice care, home health and extended care services, ambulance services, outpatient laboratory and diagnostic services, prescription drugs, vision and hearing care, periodic medical checkups, and preventive dental services for children. The Ford plan and the many amendments adopted during the markup in the Education and Labor Committee expand upon the Clinton plan, adding several billion in new mandated benefits.

This is a comprehensive package of federally mandated benefits, some would even call it a Cadillac plan. Employers will be obligated by law to provide every one of these benefits. In addtion, employers with union employees must continue to provide any health benefit collectively bargained prior to passage of the Health Security Act. It is ridiculous that employers would be obligated by law to negotiate over additional health care benefits, or suffer the consequences of strikes.

We have heard a great deal from organized labor in recent years about tensions generated at the bargaining table about health care issues. In fact, a representative of the Services Employees International Union [SEIU] testified before the House Education and Labor Committee recently that "Health care is the No. 1 issue at the bargaining table and the No. 1 cause of strikes." I would tend to agree that health care costs generally have been a subject of workplace tensions, as employers and their employees have struggled to cope with rising costs.

If one of the intended effects of this bill is to reduce those tensions by ensuring a package of comprehensive benefits to every worker, then my amendment would have helped ensure reduced tensions in the future by resolving that, once and for all, there will be no more labor-management battles over health care.

I believe it is time for organized labor in America to make a choice. Unions can either try to achieve comprehensive benefits for employees through collective bargaining or they can try to get these benefits from the Congress. The system, and our ability as a nation to compete effectively, cannot afford both. The Ballenger amendment should be included in health care reform legislation to ensure that businesses do not have to risk a strike over having to provide even more.

I would also like to comment on two other amendments that were offered and were rejected by the full committee on rollcall votes. The committee bill includes a provision that requires a health care employer who replaces another health care employer through merger, consolidation, acquisition, or contract, to provide employees who would otherwise be displaced, a right to continued employment unless their positions no longer exist—the provision sunsets after 5 years. My amendment would have eliminated this requirement because under current labor law, an employer who acquires a business is under no general obligation to retain current employees. The provision in the Ford bill creates a statutory entitlement to continued employment of no defined duration, makes no allowance for displacement of employees for cause, and gives all displaced employees preferential rehire rights for 6 months. The continued employment provision creates yet another cause of action that may be advanced by employees in Federal or State court subjecting employers to liability for backpay, double backpay, and attorneys' fees. Finally, although technically limited to health care employers, the reach of the provision in the bill is very broad because the definition includes any employer that provides "necessary related services, including administrative, food service, janitorial, or maintenance services, to an entity that provides health care items or services." My amendment to strike this provision should have been adopted because it prevents the creation of yet another employment right to be litigated in court.

I also offered an amendment to strike a section of the Ford bill that would require a health care employer to recognize the exclusive bargaining agent and to assume the collective bargaining agreement of the predecessor employer if a majority of its employees were previously covered by the agreement and if there has been no substantial change in operations. This provision would sunset after 5 years of enactment. The amendment would have also stricken a provision—again sunsetting after 5 years—which assumes joint employer status whenever employees of a contractor to a health care employer work on the premises and are functionally integrated with the operations of that employer.

The provision in the Ford bill concerning the collective bargaining obligation of health care employers would make significant changes in labor law, without hearings or discussion of the magnitude of those changes. These provisions signal the kinds of amendments to current law that might be sought by organized labor in a push for comprehensive labor law reform and should be considered at that time—not during a debate on reform of our health care system. Under current law, while a successor employer may be obligated to recognize the exclusive bargaining agent of the previous employer, it is not required to assume the previous collective bargaining agreement. Requiring successor health care employers to be bound by a collective bargaining agreement to which it is not a party creates a disincentive for any restructuring of the health care industry that may lead to better and more efficient care.

Also, the Ford bill would create a new test for determining joint employer status under the National Labor Relations Act. Under current law, the test is whether an employer has sufficient control over the essential terms and conditions of the employment of any group of workers. The Ford bill assesses whether the tasks performed by a group of employees are functionally integrated with the operations of the employer. Again, the Ford bill establishes a new legal standard without discussion of its significance. I am concerned that these changes would unnecessarily complicate the health care marketplace and would be particularly detrimental to the restructuring of the health care industry.

Mr. PETRI. Mr. Speaker, the markup process in the Education and Labor Committee unfortunately was not an effort to reach real consensus on a health care reform bill.

Rather, it was an exercise in ramming through a partisan bill. And that's a shame, because I don't believe that kind of a process will lead to a good health care reform bill in the long run.

It's a double shame, in fact, because all of the elements are already there for the making of a bipartisan compromise, a compromise that can achieve our foremost objectives. So instead of continuing this partisan exercise, let's begin the final round of the health care debate by looking at those issues on which we all agree.

First, I think it's safe to say that we all want insurance market reform that provides guaranteed issue, portability, at least modified community rating, and the elimination of preexisting condition exclusions. We all want some kind of medical malpractice liability reform, although we may disagree on its details.

Clearly, we need administrative simplification provisions to reduce overhead, and we need to provide consumers with the comparative value information they need to make smart medical decisions.

I'd suggest we require mandatory price disclosure by providers, publication of the average prices for health care services in the regional market, information on common patterns of practice, and indicators of the quality of health care offered by plans and providers.

With insurance market reform a given, many of us agree we should provide a graduated subsidy for Medicaid enrollees and the low-income uninsured so that they, too, can enroll in competitive health plans. Finally, we know there will have to be some risk adjustment between plans, and we ought to at least allow voluntary purchasing alliances.

We should start there, as several bipartisan bills already have—with the elements of reform on which we have the most hope of consensus. Then we can turn next to the issues which divide us: the mandated benefits package, for example. I'm sure we can agree that a benefits package should provide at least catastrophic coverage, but we disagree about whether any other benefits should be mandatory.

I'd argue that universal catastrophic coverage can accomplish most of the objectives we've set out to achieve: We can protect American families from financial disaster and we can eliminate our cost-shifting problems.

Cost shifting should not be much of a problem if poor people have more comprehensive coverage and middle-income people, in relatively few instances, only have to come up with a few thousand dollars out of pocket to cover medical emergencies.

Without a comprehensive, mandated benefits package, of course, we'd have to rely more heavily on risk adjustment between plans in order to prevent comprehensive plans from being driven out of the market because they attracted mainly higher risk people. That's another contentious aspect of the benefits issue.

But, perhaps the most fundamental issue of disagreement is how best to accomplish universal coverage for all Americans. The first question here is what we mean by universal coverage. I think we can agree that we mean by that at least universal catastrophic coverage. And although most people think we cannot get universal coverage without a broad-based tax increase or mandates, that's not the case.

There is a way to get universal catastrophic coverage without either a net tax increase or a mandate—and that's through tax reform. By that I mean rationalizing the $100 billion of subsidies for health care that we already have in the Tax Code.

As it stands, the main health subsidy in the Tax Code is the exclusion from individual income of employer-paid health premiums or benefits.

This subsidy is extraordinarily regressive, because its value to any individual depends on both his marginal tax rate and the cost of his benefits, both of which are higher for wealthy people. In fact, it's estimated that the value of this subsidy is six times as great for people in the top 20 percent of our Nation's income distribution as it is for those in the bottom 20 percent.

Moreover, the more your employer spends on premiums and benefits, the more subsidy you get, which contributes to third-party payment and inflation.

This is a rotten way to design a Federal health care subsidy. Why provide a subsidy only to those who already have employer-paid benefits? Why provide a far bigger subsidy to wealthy people? And why make it open ended?

It would be much fairer to turn this $100 billion pot of money into a fixed voucher for the purchase of competitive health plans. Those with employer-paid coverage, which the employer could still deduct as a business expense, would use their vouchers to cover their share of premiums and their cost sharing and would receive a cash rebate for any excess.

By my calculation, the average 1995 Federal voucher amount would be $1,764 for a couple with children, $1,219 for a childless couple, $1,133 for a single parent, and $612 for a single person. Reforming State tax subsidies the same way would typically add 15 to 30 percent to these amounts. Vouchers this big should allow people otherwise uninsured to purchase at least catastrophic coverage.

And they'll be highly motivated to do at least that if failure to do it will cost them the value of their vouchers. Finally, with vouchers this big, virtually all 15 percent bracket taxpayers—that is, all four person families below $55,000 in income—would be much better off than with the present exclusion, and many 28 percent bracket families would be as well off.

Thus, although highly paid union leaders would be hurt initially, the vast majority of their members would be better off with an egalitarian voucher than with the present regressive exclusion. They may be right to oppose taxing generous benefits when they get nothing in return, but they should support taxing all benefits in return for a voucher of greater value.

Therefore, I believe this kind of tax reform can be the basis of a sound compromise on the most difficult issue before us. It can provide the key that unlocks a solid health care reform bill this year, and for that reason, I've already made it the centerpiece of my own multicare proposal, H.R. 4469.

I urge my colleagues to join in a dialog aimed at real consensus, rather than retreating behind partisan battle lines, as we did so often during the Education and Labor Committee markup.

Mr. ARMEY. Mr. Speaker, I want to thank my distinguished colleague from Pennsylvania for his leadership on the committee. For the past several months, we in the party of freedom, the Republican party, have been fighting to prevent the Government, and therefore the party of government, from nationalizing the world's best health system. The American people rejected the idea of a government-run health system. But alas, on our committee, what the American people want is an inconvenience. The Democrats seem determined, in the words of Senator ROCKEFELLER, to pass this unpopular bill "regardless of the wishes of the American people."

America's health system does have problems that must be fixed. But it doesn't need a government takeover. It doesn't need a national health board. It doesn't need price controls. It doesn't need the Government defining everyone's insurance package. And it doesn't need criminal penalties for so-called "health care crimes." America does not need this bill.

Nearly a year ago, I compiled this flowchart to depict the workings of the President's plan. People ask me if I meant it as a joke, but, on the contrary, I meant it to be completely accurate, based strictly on the language of the Clinton plan itself. Not even Ira Magaziner has been able to find an error or omission, or at least that's what I deduce from the silence with which he has greeted my repeated requests for comment. Now what differentiates the original version of the bill, depicted here, from the one reported by the Education & Labor Committee is the number of lines and boxes. Our committee felt the Clinton plan was too simple.

Here we have a portrait of what happens when power meets an Ivy League degree. Apparently some people in this day and age actually believe that 250 million people have less wisdom and less common sense than Ira Magaziner's seven-member National Health Board.

Perhaps the most misbegotten of all the misguided features of this mind-boggling plan is its price controls. As an economist, I take a professional interest in this, but you don't have to have a Ph.D. to understand why price controls are a bad idea. As you can see from this second chart, forty centuries of human history show that price controls do not work. Price controls cause suffering.

Hammurabi tried price controls and got a permanent depression. The Roman Emperor Diocletian tried price controls and got riots, hoarding, and mass executions, and, after 4 years, had to abdicate. The ancient Greeks tried price controls on grain and got grain shortages. The Romans tried it on wheat, and got wheat shortages. President Nixon tried petroleum price controls in the 1970's and gave us the energy crisis. Now President Clinton wants to give us price control on health insurance premiums. Why do I have a bad feeling about this?

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With this long, melancholy history in mind, I offered an amendment in our committee to remove price controls from the Clinton plan. The amendment was defeated on a straight party line vote. Now you may ask, given the history sketched out on this chart, why would the Democrats vote for price controls? I certainly tried to persuade them of the likely result. I pointed out that no nation in modern times has ever achieved the President's goal of bringing medical inflation to zero. Let me say that again. No nation has ever achieved zero medical inflation. Yet this bill would try to mandate it, by force of law.

I also told my committee colleagues about the study by the independent economics firm DRI-McGraw Hill, which predicts that if the President's price controls are implemented, health-care services would be reduced by about 5 percent over the first 3 years. Sound harmless? What this means is that if price controls begin in 1998, by the year 2000, every American household will suffer a reduction of available health services of about $500. Or put another way, health insurance price controls will mean a $500 tax hike for every family in this country. And it may turn out to be a lot more than $500, because the American Academy of Actuaries estimates the premiums for the Government-defined insurance package will cost at least 20 percent more than the White House claims.

But more important than the dollar figures is the very real pain that will be felt by sick people who will be denied medical care. Price controls invariably produce scarcity, and scarcity produces rationing. When you make it illegal to sell a product at its natural market price, producers respond by reducing the quantity and quality of the product until supply and demand meet at the new, lower, Government-imposed price. This is a law of economics, which no parchment law can repeal.

What will happen if we impose President Clinton's price controls? At first, the pain may not be terribly noticeable. But after a few years, as the controls begin to bite, we will start to see the telltale signs. Lines will form. Surgeries will be delayed. People will go without necessary care. The Government will stop covering certain procedures.

All of this happens right now in Canada. Despite all the praises lavished upon it by left-wing liberals, the Canadian system is in crisis. The Canadian Government is canceling health coverage for foreign nationals, even if those foreigners pay Canadian taxes. It is imposing 3-month waiting periods before new residents can apply for health care coverage. It is limiting coverage for Canadians abroad. It is rationing care and imposing premiums and copayments for Canadians at home. The province of Quebec now refuses to pay for hip replacements. At this very moment, 250,000 Canadians—the equivalent of 2.5 million Americans—are on a government waiting list for needed medical care. Canadian patients have to wait, on average, 5 weeks just to see a specialist. A sample group of 177,000 Canadian patients had to wait up to 14 weeks for surgery. Coronary bypass patients wait 5 and a half months on average for surgery. Some die while waiting. Others pay to travel to the United States for immediate service. Indeed, one-third of Canadian doctors have sent patients outside the country for treatment during the past 5 years. And a Canadian firm is reportedly offering a private insurance policy that will fly you to the United States if you've been on the Government waiting list more than a certain number of weeks, depending on the illness. Mr. Chairman, it seems the best thing about the Canadian health system is the American health system.

All of these statistics simply confirm what economists have always known: Fiat rationing is unavoidable under a price-controlled, government-financed system.

Some of my more left-leaning colleagues claim that a government system of universal coverage is more moral than the free market in health care. Let me tell you about the moral superiority of government medicine. This past Christmas, the Canadian province of Ontario sent doctors and nurses home for several weeks, for no other purpose than to save money. The financial crunch had gotten so bad, the authorities at the Toronto Hospital for Sick Children told parents not to bring their children to the emergency room unless the child had a fever and was experiencing, and I quote, "lethargy, convulsion, or nonresponsiveness." My friends, is this what health security has to mean—turning sick children away because they're not sick enough to be having convulsions?

On January 13, President Clinton received a letter, which I would like to quote. I have edited it for brevity, but here is the meat of what the authors said:

"Price controls produce shortages, black markets, and reduced quality. In countries that have imposed these types of regulation, patients face delays of months and years for surgery, government bureaucrats decided treatment options instead of doctors or patients, and innovations in medical techniques are dramatically reduced.

"In the 1970's, government tried to regulate the price of a simple homogeneous product, gasoline. The result was that people were forced to waste hours waiting in lines to purchase gasoline. Long waits for surgery will have more serious consequences. Price controls may appear to reduce medical spending, but such gains are illusory. We will still end up with lower-quality medical care, reduced medical innovation, and expensive new bureaucracies to monitor compliance. These controls will hurt people, and they will damage the economy. We urge you to remove price controls, in any form, from your health care plan."

Mr. Speaker, the letter is signed by 562 Ph.D. economists, including several Nobel Prize winners.

Reading this letter, I was reminded of the letter President Hoover received in 1930, signed by 1,028 economists, begging him not to raise taxes on imports. As every school child knows President Hoover ignored their advice, and the result was a catastrophic deepening of the Great Depression just as the country was beginning to recover from the crash of 1929.

I am suggesting that we should always heed the advice of economists, but I do think we should think twice before disregarding the plain lessons of history. Those who cannot remember the past are condemned to repeat it. But we need not repeat it. We can learn from history.

I have tried to lay out what I hope is a persuasive case against price controls, but no argument of mine could compare with the eloquence of our predecessors of the Continental Congress. Listen to what our Founding Fathers wrote on June 4th, 1778:

"Whereas * * * it hath been found by experience that limitations upon the prices of commodities are not only ineffectual for the purposes proposed, but likewise productive of very evil consequences to the great detriment of the public service and grievous oppression of individuals * * * [Therefore, be it] resolved, that it be recommended to the several states to repeal or suspend all laws or resolutions within the said states * * * limiting, regulating, or restraining the price of any article, manufacture, or commodity."

Thankfully, the 13 States heeded Congress' call and lifted their wartime price controls. Scarce provisions became abundant. And by the fall of 1778, our armies were able to procure needed winter supplies that only a year before had been unavailable to General Washington at Valley Forge. I sometimes wonder how Washington's armies, and our fledgling Nation, would have fared had the reinous price controls never been lifted.

I urge my colleagues on the other side of the aisle to choose the wiser course and take the higher road and strike from the President's bill these disastrous price controls.

THE 50TH ANNIVERSARY OF THE LIBERATION OF GUAM

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 60 minutes as the designee of the majority leader.

Mr. UNDERWOOD. Mr. Speaker, I am taking this opportunity for a 1-hour special order to pay honor and respect to the veterans of the Pacific Theater during World War II and especially those who participated in the Battles of Guam, Saipan, and the "Marianas Turkey Shoot," one of the greatest naval victories during that conflict.

I also want to take the opportunity to tell the Guam story; a story not fully understood and appreciated, but a story which demands to be told.

This session of Congress which is broadcast live by C–SPAN across America, will be rebroadcast on a delayed basis on Guam next week on July 20, on the eve of the 50th anniversary of the liberation of Guam which will be commemorated on July 21. Therefore, I wish to send my greetings to the people of Guam, to the hundreds of veterans who have returned to our island for the golden salute commemoration, and to the veterans of World War II—especially the Pacific veterans—watching this broadcast all across America on this most auspicious occasion. And this occasion is honoring and remembering the landing of American forces to liberate Guam from Japanese occupiers. Japanese troops had earlier bombed

and invaded Guam on December 8 and 10, 1941, as part of Japan's attacks on United States Forces, the most famous having taken place at Pearl Harbor.

This commemoration will honor the American veterans, remember the sacrifices of the people of Guam and will serve as a tribute to the necessity for peace; for it is only in the remembrance of the horrors of war do we remain vigilant in our quest for peace.

My purpose tonight is to give a historical perspective to the events we are commemorating on Guam and to enhance the understanding among all Americans of the wartime experience of the people of Guam and the postwar legacy that has framed our relationship with the United States. It is a story that is a microcosm of the heroism of soldiers everywhere and of the sufferings of civilians in occupied areas during World War II. But Guam is also a unique story, an experience all to itself, not in terms of human suffering—there is far too much of that to go around—but of dignity in the midst of political and wartime machinations of large powers over small peoples and of loyalty to America, a demonstration of loyalty that has not been asked of any civilian community under the flag during any time this century.

Tonight, Mr. Speaker, I will outline the following:

Some of the details of the battles leading up to the Marianas campaign; the importance of the Marianas campaign for the war; some heroic figures involved in the battle; the lack of attention given to the Pacific battles in the 50th anniversary commemoration activities for World War II; the special nature of the Guam battle and the experiences of the people of Guam; and some unfinished business for the people of Guam relating to the war.

Guam, which has been an American territory since the end of the Spanish-American War in 1898, was invaded in the early morning hours of December 10, 1941. Thus began a 32-month epic struggle of the indigenous people of Guam, the Chamoru people, to maintain their dignity and to survive during an occupation by a brutal oppressor.

In the years leading up to the war in the Pacific, American military planners decided that it was not feasible to defend Guam against possible invasion forces by Japanese Forces in the surrounding islands of the Japanese mandate in Micronesia, most notably Saipan about 100 miles to the north.

This was probably a sound decision militarily; but to the Chamoru people, it meant that they were going to be written off at the onset of hostilities between Japan and the United States, hostilities which nearly everyone in the Pacific knew was coming.

When the Japanese landed, they found 153 Marines, 271 Navy personnel, and 134 workers associated with the Pan American station and some 20,000 Chamorus who were United States nationals. All American military dependents had been evacuated with the last ship having left on October 17, 1941, pursuant to an order of Naval Governor, Captain McMillan.

The other vulnerable territory, Alaska's Aleutian islands were similarly threatened by their proximity to Japanese Forces. However, in that instance the Army evacuated all Aleutian inhabitants in anticipation of Japanese invasion, thus sparing the Aleutian islanders from an occupation. The Chamorus alone among American civilian communities was left to withstand the onslaught of an enemy occupation.

To demonstrate how Chamorus were treated distinctively, a handful of Chamoru civilians who worked at the Pan American station in Wake Island were not evacuated when American civilians were. The result was that they, along with a handful of Marines, fought, died and were placed in prison camps.

With Guam and its people's fate preordained, it fell to the Guam insular guard and the Guam militia, comprised of civilian reserve forces along with the handful of Marines and sailors to defend the island. The Japanese invasion force, numbering over 5,000 easily overwhelmed the defending insular guard and Guam militia. Resistance against a vastly larger and better equipped invasion force was futile, and the Naval Governor McMillan surrendered the island to the Japanese.

The signal that the Japanese had prevailed to aircraft overhead was for the Japanese commander to shine a flashlight on an American flag on the ground. The American flag, used as a symbol of defeat by the invading Army, assumed immense importance to the American nationals on Guam throughout the occupation.

Throughout the ordeal of occupation, the Chamoru people maintained their loyalty to America and their faith that the American Forces would soon return to liberate them. The resistance against the occupation manifested itself in many forms, but none so powerful and costly as the effort to help the American sevicemen on Guam who had escaped capture when the island surrendered.

Seven U.S. sailors evaded capture, and one by one, each in turn was hunted down and killed by the occupiers. One fortunate sailor evaded capture throughout the 32 months of occupation with the assistance of the people at the cost of numerous beatings and even beheadings. The story of this one sailor, George Tweed, was made into a movie entitled "No Man Is An Island."

INVASION OF GUAM THE LIBERATION: JULY 21, 1944

Fifty years ago, in mid-June, Rear Admiral Ainsworth began his preinvasion bombardment of the coast of Guam only to be called back only 2 hours after the invasion began due to the ferocity of the Battle of Saipan. The additional time between the scheduled and actual invasion allowed the Japanese 5 additional weeks in which to reinforce their beachheads.

During those intervening weeks following the original naval attack, an onslaught of cruelty was endured by the Chamorus on Guam from their occupiers. This was the most brutal time of the occupation. The atrocities suffered by the people of Guam included forced labor, forced marches and civilian massacres. The increased brutality and intensity of these atrocities marked the beginning of the end of the 2½ year enemy occupation.

The invasion—dubbed Operation Forager—was rescheduled for July 21 and was preceded by a preinvasion bombardment lasting 13 days. While this bombardment leveled most fortified structures on Guam, it also acted as a stimulus for further acts against the Chamoru people. As the bombardment continued, the Chamorus became more restless, and the Japanese realized their ensuing fate, inflicting further brutality and mass slaughter against my people. This preinvasion bombardment had been preceded by numerous air raids beginning in February 1944, 5 months earlier.

After the bombardment, underwater demolition teams spent 4 days sweeping the shoreline making the Marine invasion possible. Unlike the attack on Tinian, which provided ideal terrain and conditions, U.S. Marines landed on the narrow beaches of Asan and Agat to crawl their way up what is now know as Nimitz Hill. The men of the 3d Marine Division were thrust, wave after wave, onto Asan beach—already littered with the Marines who had come before them. Once on the shore, United States troops were in the heart of Japan's defense fortifications and troops. This well thoughtout plan led to the seemingly insurmountable task of climbing the cliffs which rose just beyond the beach against fortified enemy weapon sites which dropped artillery and small weapons fire on them like rain.

Simultaneously, the flatter southern beaches of Guam were being braved by the 1st Marine Brigade. However, this less formidable topography was quickly interrupted by the only Japanese counter attack of the day.

One of the heroes was a young Marine named Howell Heflin, most important 6 hours of my life.

The island was secured on August 10, 1944. Twenty thousand men died during the 20-day battle, but the casualties were not equivalent, 18,500—the entire garrison of Japanese troops were killed compared to only 1,900 United States soldiers.

The mayor's resolution follows:

RESOLUTION No. 94-6

Relative to naming Route 15 (Yigo) as the U.S. Army 77th Infantry Division Drive in

honor of the soldiers who participated in the Liberation of Guam during World War II in the Pacific.

Whereas, on July 21, 1944, Army, Navy and Marine Units of the U.S. armed forces landed on Guam to liberate the island and its people from over 30 months of Japanese occupation during World War II in the Pacific, and

Whereas, the U.S. Army 77th Infantry Division commanded by Major General Andrew D. Druce, played a significant role in defeating the Japanese forces and restoring peace and freedom to the island of Guam, and

Whereas, after landing in Agat along with the 1st Marine Provisional Brigade, the 77th Infantry Division proceeded to secure the southern part of Guam where it rescued thousands of Chamorus who were in the Manengon and other concentration camps, and

Whereas, the 77th Infantry Division continued its fight to Yona, Chalan Pago, Mangilao and Barrigada, and

Whereas, in the drive through the central and northern parts of Guam, the 77th Infantry Division was assigned the right flank as the area of operation where the troops engaged with the Japanese forces in a number of skirmishes, and

Whereas, the 77th Infantry Division proceeded up to the village of Yigo where the Japanese forces were regrouping to make their last battle stand, and

Whereas, when it reached the village of Yigo the 77th Infantry Division came upon a large concentration of Japanese forces and engaged them in a battle that involved tanks, artillery strikes and an infantry drive charge up on Mount Santa Rosa and Milalak hill where the Peace Memorial Park is now located, and

Whereas, the battle in Yigo turned out to be the last major encounter with the Japanese forces who waged an all out fight in a desperate attempt to turn back U.S. advances, and

Whereas, the Guam combat patrol were very instrumental in the search and locating of the Japanese forces and the Guam combat patrol also participated and engaged heavily in a number of skirmishes and the last battle of Yigo, and

Whereas, Route 15 is located in the Army sector of the 77th Infantry Division's avenue of approach to the north in the final days of the war; now, therefore, be it

Resolved, That in recognition of the 77th Infantry Division's role in the liberation of Guam, it is appropriate that Route 15 be named "U.S. Army 77th Infantry Division Drive" in conjunction with the 50th anniversary Golden Salute observances; and be it further

Resolved, That the Yigo Municipal Planning Council endorses the action on behalf of the people of Yigo as a grateful tribute to the sacrifices to the U.S. armed forces in the liberation of Guam.

THE IMPORTANCE OF THE BATTLE FOR THE WAR

The taking of the Marianas Islands was very important to winning the war against Japan. The defeat of the forces on Saipan and Guam led to the fall of the Tojo government and the recognition by many in Japan that there was no doubt left about the outcome of the conflict with the United States. "Hell is upon us," stated Adm. Osami Nagano, Supreme Naval Advisor to the Japanese Emperor; and, indeed it was as the bombers took off from air fields on Guam, Saipan, and Tinian--Harmon, Andersen, North, Northwest, Isley, Kobler, and other names familiar to the Army Air Corps, including a Member of the House, BEN GILMAN from New York.

The importance of the Marianas as islands from which to further prosecute not only an airwar against Japan, but as the jumping off points for further landings in the Philippines, Okinawa, and Iwo Jima became crucial to final victory. In effect, Apra Harbor on Guam became the forward naval base as Pearl Harbor was effectively moved 3,500 miles to the West.

And from Guam, Admiral Nimitz set up his headquarters for the balance of the war. In the island-hopping strategy of the Pacific, the Marianas were not islands to be leapfrogged. They formed an integral part of Japan's defensive structure.

Over 54,000 Japanese soldiers lost their lives in the battles for Saipan and Guam. American losses were equally staggering—over 5,700 lost their lives and over 21,900 were wounded. During the Marianas Turkey Shoot, the naval air battle, enemy losses exceeded 400 aircraft to minimal American losses.

One of those aircraft losses belonged to a young Navy pilot who was shot down in the skies over the Marianas—George Bush.

The ferocity of the Marianas campaign was an indication of the blood that was to be shed in later campaigns. On Saipan, the Americans encountered a phenomenon that had never been encountered before—the sight of hundreds of Japanese soldiers and civilians committing suicide by jumping off cliffs rather than surrendering. At Suicide Cliff and Banzai Cliff on Saipan, American soldiers and marines could only watch helplessly as civilian noncombatants chose death over surrendering to an enemy they believed would commit atrocities against them. While sporadic kamakazi raids had been encountered in some naval air battles, nothing could compare to the mass suicides that stunned the American forces.

All these factors weighed into the decision to avoid an invasion of Japan, and the use of atomic bombs on Hiroshima and Nagasaki. And again, the Marianas had a pivotal role to play, providing the airfield in Tinian where the bombers loaded with the world's first atomic bombs were launched. The Marianas Campaign was indicative of the ferocity of the Pacific war and the courage of the Americans who fought in many far flung islands which now bear the honor as campaign streamers on our military's service colors. Let me share the honor of those who fought on Guam with a recounting of the most important Pacific battles leading to Guam's liberation.

GUADALCANAL

The first American offensive during World War II was a definitive battle in the Solomon Islands and began to turn the tide of the war in the Pacific in favor of the Allied forces. This was the Battle of Guadalcanal, an island little known even to the 19,000 members of the 1st Marine Division preparing to land on its shores on August 7, 1942. This battle was decisive as Guadalcanal became the Allied doorway to the central and southwestern Pacific—then held by the Japanese forces. Guadalcanal also prevented the airfield under construction from becoming a threat to the Allied-held Pacific and subsequently making major U.S. shipping routes an easy target.

PAPUA

The Japanese faced a dilemma during the Papua and Guadalcanal campaigns. They were made to decide whether to stand firm on their Papua defense or to transfer vital supplies to strengthen the Guadalcanal counteroffensives. They opted to send warships, planes, and troops to Guadalcanal and ended up losing both battles.

SOLOMON ISLANDS

The Navy contradicted the strategic value of General MacArthur's obsession to reclaim the Philippines. Naval strategists thought that a drive across the Pacific, making full use of their new and fast carriers, would put more pressure on Japan. The dispute was resolved when the Joint Chiefs of Staff agreed to use both options in order to prevent the Japanese from knowing where and when the next blow would fall. MacArthur advanced northwest from New Guinea while Admiral Nimitz and his navy moved west toward the Central Pacific. The series of naval battles that followed this gave numerous Americans their baptisms of fire. Among these gallant men was a young lieutenant named John Fitzgerald Kennedy.

TARAWA

One of the bloodiest battles of World War II was fought for an area less than half the size of New York's Central Park. Tarawa was an atoll of 47 small islands. The main objective was Betio, the largest of the islands. Compared to the atoll's defenders, American casualties were less. However, it had a greater impact upon a country that had not yet begun to realize the cost of war.

SAIPAN

There was no doubt that U.S. forces would hit the Marianas. The islands' central location, the significant Japanese presence within its boundaries and the area's potential as future sites for United States bases made its acquisition, at the time, inevitable. October 1, 1944, was the date set for the invasion of the Marianas. Decisive victories in the Pacific, however, enabled the operations to advance several months ahead of schedule.

In the middle of June 1944, a formidable armada of 7 battleships, 21 cruisers, scores of destroyers, 15 fast carriers

bearing 891 combat planes, and 127,571 fighting men had been assembled. They had a clear mission. They were to take the Mariana Islands of Saipan, Tinian, and Guam—the next step toward the Navy's drive toward the Central Pacific. Admiral Nimitz decided to take Saipan before liberating Guam. This island was 100 miles closer to Japan. The task of bombing the Japanese homeland would be less complicated if initiated here. In addition, the loss of Japanese air support from Saipan would make the liberation of Guam less costly.

The assault was placed upon the hands of both the 2d and 4th Marine divisions. The Army's 27th Infantry division was also placed on reserve for these operations. Landings began, made after 2 days of naval bombardment. Swayed by negative propaganda and fearful of the invading Americans, hundreds of Japanese civilians committed suicide by jumping seaside cliffs. After 25 days of fighting, the invasion force declared the island as having been secured on July 9.

THE BATTLE OF SAIPAN

The battle for Saipan was more ferocious than the battle for Guam and is etched in the minds of many as the classic amphibious struggle of the Pacific war; a determined invasion force meeting a suicidal, entrenched defensive force.

Saipan was part of the Japanese mandate; Japanese civilians outnumbered natives 5–1; the invasion was the first contact between the people of Saipan and America; this contact, founded in battle, led to the eventual formation of the Commonwealth of the Northern Marianas, in which Saipan is the principal island; and this contact represented the best in the advancement of the principles of democracy and liberty to other parts of the world.

HEROISM

When faced with an enormous challenge, men of courage find in their inner selves enormous strength. In the battles for Guam, Saipan, and Tinian, and in all the fierce fighting throughout the Pacific war, the victories were won not by massive offensive forces but by extraordinary heroism.

If the measure of a battle is the numbers of Medals of Honor awarded, surely then the battle for Guam ranks among the top battles of World War II. Two medals were awarded for valor on Guam, one to Capt. Louis H. Wilson, Jr., who later served as the Commandant of the Marine Corps, and one to Pfc. Frank P. Witek.

As commanding officer of Company, F, 2d Battalion, 9th Marine Regiment, Captain Wilson distinguished himself in a bloody fight to repel Japanese counteroffensives on the Fonte Plateau. As in many similar situations throughout the first days of the invasion, a breach of the extremely vulnerable American lines would have caused certain disaster for the whole invasion force.

Private Frank Witek provided the cover for the withdrawal of his wounded comrades during a firefight and then singlehandedly attacked the enemy machine gun position

Also noteworthy for their heroism were the efforts of underwater demolition teams that went in ahead of the American forces to destroy much of the fortifications on the invasion beaches.

In all these instances, and in countless more unheralded acts of courage, the individual soldier, marine, sailor, and airman made the difference, and ensured by their individual actions, that freedom would be won for the people of Guam. And again, on behalf of the people of Guam, I say thank you.

LACK OF ATTENTION

On Saturday, June 25, veterans of the war in the Pacific, people from Guam and the Northern Marianas, and some Federal officials gathered at Arlington National Cemetery to pay tribute to those who fought and died on Guam, Saipan, Tinian, and other battles in the Pacific.

This commemoration, which was jointly sponsored by my office and Northern Marianas Resident Representative Juan Babauta's office, and which took place at the site of the Tomb of the Unknown Soldier, was the only national commemoration held this year to recognize battles in the Pacific theater during World War II.

I am extremely grateful for the participation of Interior Secretary Bruce Babbitt, Navy Secretary Dalton, Chairman of the Joint Chiefs of Staff General Shalikashvili. Their support, stirring words, and encouragement reflect the administration's growing awareness of these historical events.

But I must take note again of the fact that this event went largely unnoticed by the media and by the Nation's leadership, other than for those officials I just named. There has been no effort to equate the magnitude of Normandy with the battles that took place 50 years ago in Guam and Saipan. While Normandy pulled the Nation's leadership across the Atlantic, the commemoration of the Pacific was not a strong enough draw to get many to cross the Potomac.

D-day has come to mean Normandy in the minds of many. But I want this body, and America, to know that there was more. I recently received a call from a veteran in Atlanta, Mr. Aherst, who called to thank us for hosting the commemoration at Arlington for the Pacific war, and to say that for the men who fought in the Marianas and all the way across the Pacific, every island was a D-day. Guadalcanal, Peleilu, Tarawa, Saipan, Guam, Iwo Jima. All these were D- days which required the courage and commitment that the American soldier, marine, airman, and sailor always gave.

While few in number, we did gather at Arlington, we did remember the sacrifices of those who fought in the Pacific, and we did honor those who died as we laid a wreath at the Tomb of the Unknown Soldier on behalf of a grateful people.

THE SPECIAL NATURE OF GUAM AS A U.S. TERRITORY BEING REOCCUPIED

There is a special dimension to the battle for Guam which was not present in any other Pacific battle, indeed any battle during the Second World War. Guam was a U.S. territory inhabited by people who were U.S. nationals at the time of the outbreak of World War II. It became the only inhabited U.S. territory invaded and occupied by an enemy power during World War II and, in fact, was the first time that a foreign power invaded U.S. soil since the War of 1812.

This special relationship is demonstrated in a painting made from a picture of two young Chamorro boys; battle-hardened American servicemen broke down at the sight of the people of Guam who came down from the hills, and sobbed at the sight of children with handmade American flags, imperfect in their design yet perfectly clear in their representation. This was these boys' presentation of that same flag which had earlier laid on the ground on Guam and which the Japanese commander waved the flashlight over as a sign of victory.

The people of Guam had endured much during the occupation of their island; there was forced labor particularly in the last few months as the Japanese hurriedly built defense fortifications and airstrips on the labor of men and boys as young as 13 and 14.

There was the confiscation of food to feed the thousands of Japanese soldiers brought to Guam to fight off the invasion. This led to some form of malnutrition affecting all of the population of Guam, especially the children. In a postwar study of the children of Guam, those who were born after the war were on the average 2 inches taller than those who were children during the occupation. Those who had grown to adolescence prior to the war were also taller than the children of the occupation.

And there was the forced marches and eventual internment in camps near places called Maimai, Malojloj, and Manengon. Manengon was where most of the people went. And in the forced marches, many were shot, bayoneted, executed, beaten for moving too fast or too slow as whole families, young and old, made their way to camps. And in those camps, the people stayed for a few weeks with no food waiting for their deliverance and hoping that the Japanese would not carry out threats to kill them all.

And in this entire panorama of experience there were naturally heroic stories and dramatic tales. But most experienced the war as a time in which

their families were put at risk. My parents lost three children during the war, and two were buried in areas which my mother can remember, but which we cannot really find today. My elder brothers and sisters became ill; one was so malnourished, the stomach walls became almost transparent; the others simply died. For most Chamorros, the war challenged them in these ways.

But for an unfortunate minority, the brutality of the occupiers became a reality. I'd like to share two stories with you told to me by a couple of very heroic people, Beatrice Flores Emsley who survived an attempted beheading at the age of 13 and Jose Mata Torres who as a 16-year-old witnessed the successful efforts of determined villagers to overtake the Japanese soldiers who had massacred their people.

In the Southern end of Guam, there is a beautiful village called Merizo.

THE MERIZO MASSACRE

The villagers of Merizo had an equally frightening experience, but one with a heroic ending. Many brave men, women, and children played a part in this story, what follows is a synopsis of those events.

On July 15, 1944, the 800 residents of Merizo were rounded up by the Japanese and taken to the Geus River Valley. When they arrived that evening, the Japanese commander stood before the assembled villagers and read aloud a list of thirty names. This group of twenty-five men and five women represented the leadership of the village: schoolteachers, the village commissioner, mothers and fathers who had sons in the U.S. military, a woman who had refused to bow to the Japanese, her two daughters, and other rebellious Chamorros who might give trouble to the Japanese. As darkness began to settle over the valley and the summer rains began to fall, these thirty Chamorros were marched off. The Japanese, intoxicated on sake, teased and tormented their captives constantly until, at Tinta, they reached a cave which the Merizo people had previously been forced to dig as a Japanese ammunition dump.

Fear and hatred ran through the Chamorros as they stood before the taunting Japanese in the ever-increasing rain. Even though the night was now pitch dark, the flashes of naval gunfire from the American ships just offshore occasionally lit the faces of the Chamorros. As they glanced at one another, they came to the realization that the cave was their intended grave. They dared not attempt a rebellion, however, for fear of reprisals against their families back in the valley. The thirty Chamorros were ordered into the cave and told to go to sleep because, their captors told them, "American airplanes are coming to bomb you tonight."

After a few moments of silence, the Japanese began to fire into the cave. Half a dozen Chamorros fell while the rest tried to find cover. Then the Japanese began to lob hand grenades at the Chamorros. Blood flew through the air, splattering on the walls of the cave and on the other Chamorros. Manuel T. Charfauros had attempted to dive for cover outside the cave, but a grenade exploded nearby, ripping the flesh from his leg. Unable to escape now, he lay face down in the dirt pretending to be dead.

Charfauros could hear the groaning of one of his comrades and the rasping sound of air escaping from another's chest. The wounded men heard footsteps approaching. The slashing saber of an officer killed two of them. Charfauros waited his turn, praying that he would only be wounded. Eight Japanese soldiers watched as another, who particularly hated Charfauros, flipped the Chamorro's cap off with the tip of his bayonet, then raised his rifle and lunged, driving the bayonet through Charfauros's shoulder. The Japanese officer then turned and casually tossed six grenades, one after another in the cave.

Felipe Santiago Cruz, inside the cave, had watched his father fall in the first volley of shots. When an exploding Japanese grenade wounded Charfauros, recognizing the Japanese plot for another mass murder, told the boy to return to the camp and tell the men about he Merizo massacre.

At about the same time, the men who had gone to Tingringhanum to gather supplies met one of the survivors of the massacre, Jose S. Reyes, who told them the story of the death of their fellow villagers. Dropping the equipment they were carrying, these brave men return to the Atate camp to try to save the others. Reyes was the only one among them who had a rifle, which he had hidden at his ranch home. As they approached Atate, Reyes devised a plot to overcome the Japanese guards. Each day, the Japanese would form up and stack their weapons together. At that moment, Reyes said, the unarmed men would dash forward and grab the Japanese weapons.

Arriving at Atate, Jose Reyes, Antonio Tyquinco, Juan Borja, Pat Taijeron, Juan Naputi, and Jose Nanguata hid in the jungle, awaiting the most opportune moment. But with the jungle, awaiting the most opportune moment. But with only one rifle, one dagger, and some sharpened sticks among them to face seventeen guards, bravery began to give way to fear. Reyes realized that any hesitation at this moment could mean death for all of them and reprisals against their families. He angrily urged his men forward. "What are you waiting for? Do I have to shoot one of you first to get you to make your move?"

At that, the men rushed for the Japanese weapons. The guards reacted quickly as Reyes began to shoot. Borja attempted to take on a Japanese guard, dagger against saber, while Tyquinco fought with his bare hands. The other men seized the Japanese rifles and, as Reyes quickly showed them how to activate the weapons, began to shoot the Japanese, eventually killing all but one guard, who escaped. The freed Chamorros quickly dispersed to jungle hideouts and ranches, while Reyes and his men took all of the Japanese weapons and headed to a place called Finile, which was known as one of the best hideouts on the island.

After the Merizo villagers had revolted, the families encamped at Atate escaped one by one to their jungle ranches to hide out for the duration of the battle. Manuel Charfauros still lay on the floor of his hut. During a night of delirium, Charfauros sensed a man entering his shack. A searching hand crossed Charfauros's wounded leg and he cried out in pain. A muffled light showed a knife held by a Chamorro. "I was ready to kill you had you been a Jap," said the intruder.

The men with him explained that they had come to find an American flag which they had hidden away shortly after the Japanese had landed two and a half years before. The Chamorros cut coconuts and poured the juice into the empty water jar for Charfauros, then took the flag and left. Three days later, Charfauros' son and three other men rescued him from the shack, carrying him on a stretcher. On July 31, Manuel Charfauros was taken by a small boat from the sandy beaches of Merizo to an American hospital ship that was anchored off the reef.

For Charfauros, it had been a fifteen-day nightmare. For the people of Merizo, the incident was one of heroism and valor. In the face of extermination the Chamorros has fought and saved their families and their honor.

STATEMENT OF BEATRICE FLORES EMSLEY

So as we were sitting there, someone interpreted and came in and started investigating us, whether we're waiting for the American, whether we love the American. Do you understand the American ain't gonna find nothing but just flies?

So we agreed with them. They say we're liars, and they start slapping us around. By almost daylight, a bunch of the soldiers all dressed up and well equipped like they're going to war, and they call us all out and line up.

To each one of us, we had two guns with a rifle and something like a bayonet in front, and they march us down just a little ways. And that place where my grave is at is now got McDonald's.

They push us into this hill, and on top of the hill there's a bunch of soldiers. There was an officer with a long saber. He was standing right by the hole.

The first thing they did is they separate the seven men. And when my uncle pull me, they pull him away and they march them in the other side of the jungle. All us four girls hear is like somebody chopping down the forest, and moaning for God, for mother, and I'm dying, and all that.

Since then, Mr. Chairman, I didn't have any feeling. I'm standing there like I'm just out in a cloud. So then after they finish and everything is quiet, they come back and went by us and they all have a bloody uniform. Their rifle and everything are all blood.

Then finally they start calling Diana Guerrero, the oldest woman, who walked up to this officer, and the only think I seen, and it start to get blurr, was he cut this front and start sawing off her breast.

Then the sister next to her came running up to try to help. They do just everything they can with what they got. And the third one was Toni, because I was the youngest one and the last. They march her up, and the only thing they did is slice down her stomach and everything come out.

When it comes to me, when they took me out, I was walking in air. As soon as they let go of me, I fall down to the ground. Then one Japanese soldier came toward to me and asked me about his half-cast Japanese girlfriend, whether she had a baby.

I said, I don't know because when the Americans start bombing back the island, everybody is out to the jungle, about two, three family in one big tree, praying and praying and praying.

So finally when they are finished with me, he pushed my head down and he hit me in the back of my neck. And all I did is, I feel a splash down on my body, and I was gone.

The next thing, I know, I was trying to struggle because I was buried in that hole. I was struggling for air because I was losing breathing.

Then I found this hand was shaking loose, and I start to reach and scratch my face. When that face was open and I start breathing, I look up on that hill and there was this young man standing, calling, who is alive, to come with him.

Then he said, there comes the Japanese. All I did is I closed my eyes. They come, and I hear them say Bonsai three times, and took off because it's getting daylight.

During daylight, the Japanese is not out. They're all hiding. Only at night.

So then I start digging myself. I look at that certain particular person I saw, and he ain't there. I was just there in that hole.

Then I start digging myself and I hear somebody moaning next to me. It was that girl that has been cut up. She wanted some water. She's thirsty.

So what I did is I crawl over to her and I just felt something wet on that ground, and we just start drinking it.

I passed out until the sun was hitting it and it was so hot and I wake up and I look around, and I said, "Toni," and she was already stiff.

I started to crawl up the hill to get away from that area. When I got up to the hill, I fell down because I'm so weak. When I fell back down there, I wait for awhile until I get enough strength to climb up.

I climb up and I start crawling over to where I hear them Chamorro men crying and hollering for God and help.

I happened to look, and the only thing that I seen on my uncle is that leg that got wounded. The reason why, Mr. Chairman, I know this is his is because the half of that pants that he was wearing they're so filthy.

So then I just look and I continue. I don't know where I'm going. I don't know what happened to me. I don't know nothing. I just keep going.

THE FINAL IRONY—WAR RESTITUTION

The story of the people of Guam is powerful and deserves recognition and I am determined to ensure that the appropriate attention is given to them. There is an unfinished story here and a resulting irony which demands attention.

War reparations; Compensation, reparations, restitution has been given to all who experienced the war except for Guam.

All islands; including the Aleutian Islands have been given some compensation.

In a twist of fate that has worked against the Chamorro people, the Chamorus were granted U.S. citizenship in 1950 as part of the Organic Act.

This was done in recognition of loyalty.

In 1952, the United States signed a peace treaty with Japan ending World War II. In that treaty, United States citizens were foreclosed the opportunity to seek redress through reparations claims against Japan.

The result was that everyone in the Pacific has been allowed to seek and receive reparations for forced labor as well as injury and death from Japan, including Japanese mandate peoples.

The U.S. Government inherited this obligation and for this purpose I have introduced a Guam War Restitution Act today to bring justice for the people of Guam; to finish the story; to give justice to Jose Torres and Beatrice Emsley.

TAI JAPANESE CAMP—WAR MEMORIES

(As told by Judge Joaquin V.E. Manibusan)

Before the bombardment, about July 3-4, there were several of us who have been under the siege and brutal treatment by treatment of the Japanese during WWII. Opposite Father Duenas Memorial School in Tai was a farm which belonged to a Chamorro family I believe was the Torre-Tenorio (Bonik) family. I remember there were three nurses from the Guam Memorial Hospital who were stationed at the camp whose names are: Mariquita Perez Howard, Concepcion Torre Tenorio (Connie Slotnick) and Simplicia Salas. This farm was taken over by the Japanese command and I, along with the rest of those farming there, were forced to labor and harvest for the Japanese soldiers. We were also beaten up and struck almost every time if we did not obey their command. I recall how the Japanese commander would take a dog and hang it upside down with his legs tied up to a limb of a tree and how he would demonstrate to us what he believed to be an art and skill of slaying the dog's head. Of course, he was showing off the power of his sharp blade on the sword.

There were several occasions where he would tie my hands and others and he would take his sword and run the sword on the back of my neck. The interpreter told me that I was supposed to have my neck slashed twice; however, I escaped death again. Another fearful and agonizing moment was when a blade of the sword actually nicked my forehead as a threat to be obedient to the Japanese command. The scar is still on my forehead and although in these past few years that I have not associated this scar with the painful scars of the war, I am again reminded why that scar is there. Again, while others may have had their heads severed, I again escaped death.

There is that one day in my life that cannot be compared with any other day of my life. It was that day 51 years ago where Tun Enrique White and I were teamed up to dig one hole of three holes that others were teamed up to dig. On the opposite side which, I believe, belongs to the Bonja or Aguon family. It was the hole that later Juan Perez was buried in after he was beheaded. Looking at this picture, it is the hole on your extreme right and you can see Juan Perez kneeling beside the hole. In the middle of the picture is Jesus Salas shown kneeling beside the hole dug for him. Both Perez and Salas were members of the insular forces and were from Piti. Another hole to the immediate left was Dug, Migel Salas who either was already dead because he had been tortured severely from Hagatna because instead of going to get water he was found doing something else, or was to be killed at the site of the hole. I do not quite remember the Merfalen death. What I remember was that a ceremony always occurs before a beheading. I remember that the tallest Japanese was the man in charge of slaying both Perez and Salas. You can see from the photo a Japanese soldier leaning to wipe off the blood from the slaying and cleaning the sword. The sword was always cleaned before any beheading is to be done. Tun Enrique White now has passed away and I am the only one living to recall this agonizing and traumatic experience. One other command from the Japanese that was part of their ritual was to have all the prisoners of their camp surround the holes to be witnesses of what would happen to them if anyone dare disobey their command.

Although I forced myself to mentally block this memory from my mind, the scars on my leg and on my back are constant reminders every waking moment of my day. And now as I remember, the pain grows stronger and the memories vivid and I find myself reliving the fear and torture in tears.

A few days after the beheading incident during the heavy bombardment, Tun Ben Blas, Tun Victioriano Camacho and I went into the middle of the camp and hid in between a bunch of bananas as the American flyers were bombing into the camp. After the bombardment stopped for awhile, we went to inspect the rest and this is where we found Msgr. Ben Martinez and Salas were badly injured by shrapnel.

Martinez and Salas where hit at the Thorretenorio property and they were handed to me at the other camp. Because their wounds are getting swollen and are beginning to have an odor. I convinced the Japanese ("Taicho") leader that it was in their (Japanese) best interests to send both Martinez and Salas to their families in Mannenghon so that they will not be blamed if anything should happen to them. This was my way of safeguarding the lines of Martinez and Salas. It was then, I who carried Msgr. of Martinez all the way to Mannenghon to deliver him to the Martinez family.

As the Chamorros honor the members of their insular forces who died in battle and the rest of the Chamorros who were beheaded and tortured to death, I want to part with a picture that my late father, Judge Jose Cmacho Manibusan, gave me while he was a member of the War Crime Commisison—which accounts for these painful memories at Tai. I wish to tell my stories to my children and to their children's children, and so on. It is time to talk about my experience during the war, and continue to talk so that maybe by talking and sharing my experience I can finally let go of these painful memories and find peace after 51 years of not telling my story and now begin to heal.

I do say without any doubt in my heart and in my mind that the Almighty God was always with me and spared my life. As one grateful individual, I will always hold these memories close to my heart and remember my comrades and those who have died during Guam's own war holocaust.

I cannot add to that story; justice and recognition must come and it must come from this body. To this end, I have introduced H.R. 4741, the Guam War Restitution Act. I urge my colleagues to cosponsor and support this legislation which may not be of immediate concern to the nation, but which brings justice to those who have been denied all these years and which will do honor to this country.

□ 2200

Si yu's ma' ase' todos hamyo.

Thank you very much, Mr. Speaker, I know the day is long and I thank the staff very much for their forebearance.

THE FIRE ON STORM KING MOUNTAIN

The SPEAKER pro tempore (Mr. HOLDEN). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Colorado [Mr. MCINNIS] is recognized for 30 minutes.

Mr. MCINNIS. Mr. Speaker, July 6, 1994. The fire on Storm King Mountain. Let me tell you a little about the mountains of Colorado, specifically Storm King Mountain. Storm King Mountain is a massive mountain about

8,900 feet in elevation. It sits on the west side of Glenwood Springs, CO. It is a beautiful mountain, a big, bold mountain, a mountain which has provided over the generations water for the community, a mountain which for generations has provided recreation and has provided livestock opportunities, earning opportunities for the people, hiking opportunities. It is truly a beautiful mountain. But on July 6, 1994, just last week, 14 very brave individuals lost their lives in an attempt to control an out-of-control fire on the face of Storm King Mountain.

As I proceed this evening to tell you about the fire, to tell you about the volunteers, to tell you about the firefighters and the community and the very heavy price that was paid, let me remind all of you in here that Storm King Mountain must be forgiven for she could not control what happened on her face that day and that as time heals the mountain, we also hope time helps heal this country for the tremendous loss that we suffered of these young and vibrant firefighters who paid the supreme sacrifice with their lives.

Let me start with the history of the fire. It is somewhat in question as to when that bolt of lightening hit the mountain, but we do believe that about on July 2, lightning did strike Storm King Mountain. At least in Colorado when lightning strikes the mountains, it usually takes from the smoldering to the actual flame clear up to 20 hours or 24 hours. But on July 2, a bolt of lightning struck the mountain and that was to begin one of the deadliest fires in the history of the United States in regards to forest fires.

The terrain of Storm King Mountain is steep terrain. In fact, where these particular firefighters lost their lives, the terrain was probably at about 70 degrees. It is not dense vegetation. It has juniper trees, pinyon trees, and sheep grass. It is rugged terrain. It also has a lot of oak brush.

□ 2210

The fire, when it originally started, really was confined to about 2 or 3 acres. At that time in Colorado we had a number of fires going. We had a horrible fire in Paonia, CO, that at this point in time and already burned structures. We had a fire raging in Durango, CO. We had a fire going in Fort Collins, CO.

In fact, on a daily basis, when fire has passed through Colorado, this summer in particular, when it is very dry, we are averaging about 30 fires a day. This fire was being monitored, and it was about 2 or 3 acres.

By Tuesday of that week, it had spread to about 30 acres and we were able to, because some of the other fires were under control, the Bureau of Land Management and the Forest Service were able to move some resources to Glenwood Springs. They had about 15 firefighters on Tuesday.

By Wednesday these firefighters had additional reinforcements, which included slurry bombs, helicopters, and 52 fighters that came onto the scene to better control the fire.

At that time, again, the fire was about 30 acres. Control of the fire was felt to be imminent. Amongst those 52 fighters, we had the best of the best, and we had a group in there called the Hot Shots from Prineville, OR.

Well, that day we had a cold front that came through the mountain region, and that cold front delivered winds between 50 and 75 miles an hour. In my opinion, those winds, swirling up that particular canyon, were very unpredictable. It is my belief that this fire, once we complete our investigations, will show that many unforgiving circumstances came together at the same time to create this tragedy, to create this inferno on Storm King Mountain.

What happened, and let me refer to our diagram here, this is about the point of origin of where the first lightning took place. The fire expanded to about 30 acres, which would be about the area where my finger is right now. The winds came through, and, as I said, these winds were not predictable, especially at the velocity they were. In fact, I had a friend riding a horse about 6 miles away from the scene, and said that the dust was so fierce that he could hardly see the head of the horse as he was riding, and the wind velocity.

What happened was that the wind came into this canyon. An easy way to picture it is on your right hand you have the incline of the slope. On the left hand you have firefighters who are cutting down the slope a fireline. The fire is going down in this type of direction, and these firefighters are trying to cut this line. What happened is the wind came into the canyon, caught behind this fire, swirled the fire, and the fire was on the firefighters.

It was a devastating wind. The forest, as they say in firefighting terms, literally blew up. This fire went from a 30-acre fire to a 2,000-acre fire within a period of hours. It looked like a blow torch sitting on the mountain. Some of these firefighters never even knew what hit them.

Some of the firefighters were fortunate and were able to outrace the flames. But even some of those firefighters suffered very serious injuries.

In a matter of seconds, what appeared to be a minor fire under control by some of the most sophisticated, best-trained, hardest working firefighters in the world, turned into a chaotic tragedy of unbelievable consequences.

So as this fire expanded, there was an immediate threat, one, to the lives of the firefighters, and, two, this is Glenwood Springs over in this area. This community is surrounded by mountains that are vegetated very much, like Storm King Mountain. The entire community of Glenwood Springs, CO, was under imminent threat of total destruction. But these firefighters wanted to make sure that that did not happen.

Let us talk for just a few minutes about who these firefighters are. We know they are hard workers. They are young, for the most part. To climb these kind of rugged mountains in Colorado, Montana, Oregon, or anywhere in the West, you have got to be rugged. Frankly, you have got to be a pretty tough cookie. You have got to be well-trained. Because a timber fire is different from a grass fire, and a grass fire is different from a fire with oak brush, and an oak brush fire is different than a structural fire. They need to know those differences. They need to know how to use their tools. They need to know how to survive and fight fires under severe weather conditions.

But what I can tell you, because I was on the scene, I went up where the accident occurred, where the fatalities were incurred, and it is my conclusion after seeing that, and I used to be a police officer, a fireman, I am not going up without knowledge, it is my conclusion that those firefighters who lost their lives and those firefighters who were on the scene gave it their very best. They had a job to do, and I think that they did a good job. It is just that those unforgiving circumstances caught up with them.

Now, there is also always a point in time where people like to point fingers, where people like to say, did they do their job right? Did they do this? Did they do that? There will be plenty of time for investigations.

But right now, I am very comfortable in what I have just said, and that is that these rugged, tough, young, and, by the way, well-educated young firefighters, did the best job they knew how and the best job any of us could have asked them to do.

We had lots of participation in helping with this fire. Once the fire blew up, of course, it became the highest priority in the United States in regards to firefighting. Before the fire was over, we had 499 firepeople on the scene. We had tens of ambulances. We had hundreds of other volunteers from throughout the valley. We had thousands, literally thousands of volunteers, who came to Glenwood Springs to offer what they could to put out the fire on Storm King Mountain.

What about the victims? What about these firefighters who were, as I described earlier, young, vivacious, energetic, bright? Well, I am going to read to you tonight about these 14 people. I am going to start with Tami Bickett.

Tami Bickett, 25, didn't let anything interfere with her job as a squad leader for the Prineville Hot Shots.

Two years ago, she was injured fighting a fire. But Bickett, willful and determined, persuaded her doctor to let her go back to work.

"They put her in a supply office until she got better," said friend Laura Pyle. "She wanted to be back out on the line."

Bickett, who was engaged to marry Bob Lightly, was a strong, competitive athlete who loved the excitement of fighting fires, Pyle said.

"She didn't like to lose."

Bickett, of Powell Butte, Ore., joined the U.S. Forest Service in 1988.

"All Tami could ever talk about was wanting to be a firefighter," said another friend, Teresa Gentry.

She is survived by her parents, Gerald and Jan Bickett of Lebanon, Ore., a brother and sister, and her fiance.

"I'm going to do my own tribute to her in Oregon, where she grew up," Lightly said.

Next is Kathi Beck.

Kathi Beck, 24, lived on the edge.

"We were dubious at times," said her father, Ernest Walsleben. "But her love for adventure overpowered our concerns."

Beck, a member of the Prineville Hot Shots, did not fear the elements, her family said. She liked sky diving. She climbed mountains as close as Mount Hood and as far away as Thailand. She ran every day and went rock climbing as often as she could.

She loved children, and wanted to pass on her passion for the outdoors.

"Kathi was a free spirit. She was a beautiful person, and so kind," said her mother, Susan Walsleben of Boring, Ore. "I always thought she would be written up in history books because she was so unique."

Susan Walsleben thinks her daughter was inspired by her grandfather, who was a firefighter.

"Kathi always wanted to be a firefighter," she said.

Beck was a psychology major at the University of Oregon in Eugene, notching straight A's and trying to earn money to go to graduate school.

She is survived by her parents and two sisters.

□ 2220

Robert Browning.

Robert Browning, 27, was a southerner fighting the West's worst fires.

Browing had moved to Grand Junction in the past month to join the Western Slope Helitack BLM Smoke Jumpers, firefighters who rappel from helicopters.

A resident of Jackson, S.C., he had been working as a firefighter at the Savannah River Site in George since 1982.

"His friends and his workmates speak of him as a No. 1 young man," his stepfather, Donald Lee Radford, told the *Augusta (GA.) Chronicle.*

"He was a dedicated Forest Service person. He loved his career. He loved serving people. He was just a good kid."

Browing is also survived by his-mother, Ruth, and two stepsisters.

Scott Blecha.

Scott Blecha, 27, an ex-Marine who had decided to give up firefighting in favor of engineering, was always the one who made everyone laugh.

He was an excellent athlete who worked as a life-guard and taught water aerobics, said his girlfriend, Kelly Armantrout. He enjoyed scuba diving. And he was ambitious.

He was student body vice president his senior year at Clatskanie High School in Oregon. He played offensive tackle on the football team and played clarinet in the band.

"He was a real go-getter," Armantrout said.

Blecha had lived in Clatskanie most of his life. He had just decided to go to graduate school after fighting fires this summer with the Prineville Hot Shots, said his father, Kirk Blecha.

"He said he wanted one more season."

Blecha died doing what he wanted to do, his father said.

"He was a man who made those kinds of decisions," Kirk Blecha said. "I love him a lot, but I want you to know he was a man doing what he liked to do. We're going to miss him immensely"

Levi Brinkley.

The triplets were born Oct. 21, 1971, in Burns, Ore. Levi and Seth and Joseph.

"Most people remember when they were born, these three wild little boys," said neighbor Carol McDonald.

When Levi Brinkley, 22, got word this spring that he'd made the elite Prineville Hot Shot crew, he quit his construction job in Boise, Idaho, and headed to Oregon.

He'd worked as a U.S. Forest Service firefighter in the Ochoco National Forest for two or three years, but he didn't plan to be a firefighter forever.

Blecha was earning money to complete his degree at Boise State University, where his two brothers live. He wanted to be a psychologist.

Brinkley was an avid skier, and one of his goals was to ski in Colorado.

"He and his brothers went to Utah last year," said his father, Ken Brinkley of Burns. "He said the next trip was in Colorado."

Doug Dunbar.

Doug Dunbar was only 22, but he'd been a firefighter for five years.

He knew a good fire crew, and the Prineville Hot Shots was the best, he told his father, Randy Dunbar.

Dunbar had called his father from Kingsley Air Field in Klamath Falls to say he was headed to Colorado to help put out a fire.

"I always wanted to keep track of him," said Randy Dunbar, who had assumed the next communication would be in person.

This was to be Dunbar's last season on the fire lines. He had one quarter left at Southern Oregon State College in Ashland to earn a degree in business administration.

"Doug was the kind of human being that society ought to have," Randy Dunbar said. "He was a good worker. He was a good, kind-hearted kid, and any parent would be awfully proud to have a son like Doug."

Richard Tyler.

Rich Tyler, 33, foreman of an elite four-person crew with the Western Slope Helitack, narrowly escaped death in 1985, when a helicopter crashed at the west end of the Gunnison Gorge.

The helicopter pilot, Jim Daugherty of Grand Junction, and three firefighters were killed. Tyler was a member of that crew, but he had rotated out of the helicopter to the "chase truck" that day, said Rob Ferguson of the Grand Junction Fire Department.

"He escaped that one, only to have this one get him," Ferguson said. "It got him anyway. It just took a little longer."

Tyler once said his job—rappelling from helicopters to fight fires—was "no big deal."

He studied forestry at the University of Minnesota and worked on fire engine crews in the summer. He moved to Mesa County in 1985 to join the Helitack group because he thought it looked like fun.

Tyler was dedicated to firefighting, said Paul Hefner, director of the Western Slope Fire Coordination Center.

"I remember he was on a fire about a year ago. We had to drag him in when his son was born," said Hefner.

Tyler worked seasonally, from mid-May until September.

The time off served as "a cleansing period," he told the Grand Junction Daily Sentinel in March. "I get to spend time with my son, Andrew, and my wife."

Robert Johnson.

Rob Johnson, 26, and his 24-year-old brother, Tony, were on the same ridge on Storm King Mountain Wednesday as the fire roared at them. Tony Johnson barely outran the flames that claimed his brother.

Rob Johnson was a rare combination—a firefighter and an accountant. He spent his winters in Vail as a CPA, his summers in Prineville fighting fires with the Hot Shots.

A 1986 graduate of Roseburg High School, he graduated from Oregon State University in 1990.

His mother, Marie, is an elementary school teacher. His father, Gene, is a fire marshall with the Roseburg Fire Department.

Jon Kelso.

Jon Kelso, 27, loved the outdoors. A lifelong resident of Prineville, he was a crew chief for the Prineville Hot Shots.

Kelso had graduated from Oregon State University with a degree in wildlife biology. He was seeking an engineering degree from the Oregon Institute of Technology in Klamath Falls.

"It certainly has been quite a shock," said David Armstrong, owner of Armstrong Surveying and Engineering, where Kelso's brother, Greg, works as a surveyor.

"I know (Jon Kelso) enjoyed outdoor activities with his father and brother," Armstrong said.

Kelso's mother, Anita, is a Prineville real estate agent. His father, Marvin, is a sixth-grade teacher.

Don Mackey.

Montana smoke jumper Don Mackey, 34, died doing what he did best: fighting fires.

"There was none better," said his father, Robert Mackey, 62, of Corvallis, Mont. "He was one of those first and last guys (in a fire)."

Mackey, who had fought fires for 19 years, became a year-round smoke jumper in January. His last fire was deadly, but Mackey—the father of three—was a hero, said his ex-wife, Rene Mackey, 37.

"He was at the ridge where it had already burned, and he took one bunch of firefighters up and told them where to go," she said.

"He came back to get the rest of those firefighters and that's when he was taken over. He could have taken off and run, but he knew the situation and went back to save their lives."

Mackey's best friend, Kevin Erickson of Missoula, Mont., was on Storm King Mountain. He survived.

An avid hunter and fisherman, Mackey took his kids—13-year-old Cara, 4-year-old Bob and Leslianne, who turned 6 the day after Mackey died—horseback riding and taught them to shoot. This year, for the first time, he obtained a moose hunting license.

Don Mackey knew the risks. But he never thought he would die fighting a fire, Rene Mackey said.

"He always thought he would grow old."

□ 2230

James Thrash.

James Thrash was the best of the best.

The oldest and most experienced firefighter to die on Storm Creek Mountain, Thrash, 44, had been a smoke jumper for 15 years. He was based in McCall, Idaho.

"I find it very hard to believe that something caught him off guard," said John Humphries, training and operations foreman in McCall.

"People looked to him for advice and leadership on fires."

He called Thrash an "avid outdoorsman, very skillful and knowledgeable about taking care of himself outdoors."

Thrash operated a guide business. He owned pack horses and led hunting and camping expeditions into the Payette National Forest.

He leaves his wife, Holly, and a son and a daughter, both grade-schoolers.

Roger Roth.

Roger Roth, 30, couldn't get enough of fighting fires.

He was a smoke jumper based in McCall, Idaho, during the western fire season.

During the winter, he headed to Florida to fight wildfires there.

Roth, who wasn't married, had been a smokejumper for three years.

Bonnie Holtby.

Bonnie Holtby, 21, was the youngest victim of the Canyon Creek Fire.

Holtby was a high school distance runner who was long on desire but wasn't the fastest athlete on the team.

"She wasn't gifted with a great deal of speed," said Jim Erickson, who coaches the Redmond High School track teams. "But she worked hard for everything she got. She had that really strong character and integrity."

Holtby also ran for the cross-country team in the fall and played basketball as a 5-foot-8 forward in the winter. In the spring, she ran 3,000-meter races and threw the shot put for the track team.

"Some kids gain a lot of success just by sheer talent," Erickson said. "Bonnie didn't have that talent, but she was a dedicated, hard worker. She was special that way."

Holtby had followed her father, uncle and grandfather into firefighting, seeking the same thrill she got from athletics, said her mother, Jeannie Holtby of Redmond.

She is survived by her mother and father; brother, Ben; and a sister, Stacy.

Terri Hagen.

Terri Ann Hagen, 28, another Prineville Hot Shot, spent her holidays and summers working at Central Oregon District Hospital in Redmond, drawing and collecting blood in the laboratory.

A 1984 high school graduate, she was just shy of completing her degree in entomology, the study of insects, at Oregon State University.

"She was always bringing these strange and exotic insects into the lab," said Steven O'Connell, manager of the hospital lab. "My kids still have some at home."

He described Hagen as a woman who liked to live life to the fullest. He said she was excited about joining the Hot Shots this year.

She leaves her husband, Cliff Hagen.

These names and the people that I have just discussed with you will forever have their names etched in the side of Storm King Mountain.

What about the rescue and the recovery efforts? There are an awful lot of people to thank for the efforts and for saving Glenwood Springs from what appeared to be imminent destruction by fire.

I arrived at the scene and went up to the scene of the fatalities, and I can tell you that upon getting out of that helicopter, it looked like you were peeking inside the door of hell.

We had many people who spent a lot of time. We had the Glenwood Springs Fire Department, their fire chief, Jim Mason, and his wife, Renee, both longstanding and welcome members of the community.

We had Levi Buris, and Levi was the undersheriff of Garfield County, and I think he went 3 or 4 days without sleeping. He wanted to bring those men and women home. He did not want any more destruction.

We had the Holub brothers, Rick and Jeff, who were part of the search and rescue crew, who have spent 16 years on search and rescue in that area.

We had Steve Ocho, the same thing, dedicated his life to search and rescue, and would not come off those mountains until they knew they were able to bring these men and women home.

There was Tray Holt, who assisted as the assistant coroner in Garfield County, a very compassionate and kind man.

There were the helicopter crews, lots of helicopter crews, and as you know if you have read the news recently, in the last weekend we lost a helicopter just over the mountain with two rescuers, the helicopter pilot and a nurse.

In New Mexico just 2 days ago we had a helicopter go down that killed three firemen. Helicopter crews take a high risk, but they are very good at what they do, and they know how to do it.

We had lots of volunteer firemen, men and women from across the valley. I will bet we had 25 departments, maybe even 50 departments, that sent tanks and crews and backup and food and supplies to Glenwood Springs to fight the Storm King fire.

Our Governor, Governor Romer, arrived on the scene and did, in my opinion, a tremendous job in assisting the families and the victims and the survivors.

Our own mayor, Glenwood Springs mayor, Bob Zanelli, who said that "These 14 lost firefighters are ours. They are a part of us, and they will remain a part of us throughout our history."

There was the chairman of the Garfield County Commissioners, Marion Smith; the Bureau of Land Management; the Forest Service; all of the different agencies that came together to take on this monster.

Finally we slayed the monster, but not before the monster slayed 14 of our own.

I had an opportunity, Mr. Speaker, truly a privilege, to go to Prineville, OR, for the memorial service. Prineville is a beautiful community, a wonderful golf course, a small town, very, very similar to Glenwood Springs, CO; good people, small town America to small town America.

Prineville sent their youth to our community so that the youth of our community could have a tomorrow. There were lots of people in these communities, both in Prineville and down in Glenwood Springs, that supported the efforts of trying to conquer the monster.

We had donations of everything from chocolate chip cookies to private jets. We had pizza come down from Aspen, from Andre's, the local pizza place, who sent in lots of pizza.

Norm and Rose Gould, the Goulds provided expresso. Can you imagine, our headquarters was at the middle school in Glenwood Springs and our firefighters for 4 or 5 days, 24 hours a day, either Norm or Rose were there serving them expresso coffee, cappuchino, on order.

There were meals that the restaurants sent in by the hundreds, motel and hotels that voluntarily gave away their rooms; the Wal-Marts, the other clothing stores, Anderson's sent pants and smocks, all of these retail clothing stores that would donate clothes, donate boots, whatever we could do to accumulate our efforts in the battle against that fire.

At the hospital we had a tremendous amount of volunteers, and of course we had very qualified medical personnel. John Johnson and Trish out there, who run the hospital, did an excellent job. We had excellent response by the emergency squads.

We had a woman who carried around a sign at the headquarters, and the sign said "God bless our firefighters." We had prayers from every faith.

In memory of the 14 firefighters, the city of Glenwood Springs has on one of its mountains a cross. That cross is lit usually every holiday, and it has been lit three times, for three different tragedies: this tragedy; when the gas company blew up in about 1986; and the coal company in about 1981 had an explosion, and that cross was lit for all three occasions. In memory of these 14 firefighters, that cross will remain lit for 14 days.

We had lots of help, lots of good help to take on this fire.

□ 2240

What about the investigation? A lot of us asked the same question. How did it happen? Why did it happen? Why did we have to pay such a heavy price of 14 young, bright, capable men and women? Was it because they had made a mistake?

In my opinion, no. I told you earlier I think they did a good job. I think they worked hard. They were tough cookies. they were not a bunch of rookies on the side of a vicious mountain in Colorado. They were pros.

We are going to have investigations, but I urge people across the country to

hold off and let the investigations run their due course. What we want to learn from those investigations is not who to point fingers at, what we want to learn from those investigations is how do we avoid this kind of tragedy in the future and what kind of technology improvements can we have. What type of different strategies can we use so that hopefully in our history this never repeats itself.

What about the future? The future I think holds a lot for Oregon and for Colorado, thanks to the valiant efforts of these firefighters, not only the ones who lost their lives, but also the firefighter who survived, those Hotshot crews, and that is the name of them, out of Primeville who will be back fighting fires very soon. Many of the crews that were on that fire and pulled off that fire after we got it out are now on other fires throughout the West. It is a job that is endless. It is a job that will have a high price to pay at some point in the future.

We need to give these people the best support we can. Being a firefighter is an admirable job, but it needs support. They need support from their community.

Let me conclude with just two things. First, let me read an article about the final journey of the 14 who lost their lives on Storm King Mountain. It is entitled "Bodies of 9 Firefighter Make Journey to Oregon."

[From the Denver Post, July 13, 1994]

BODIES OF 9 FIREFIGHTERS MAKE JOURNEY TO OREGON

(By Mark Eddy and Ellen Miller)

GLENWOOD SPRINGS.—Under a cross illuminated in their honor, nine Oregon firefighters who were killed trying to smother a blaze that threatened this town journeyed home yesterday.

The caskets, draped in Colorado state flags, were loaded into nine hearses adorned with purple bows and driven to Grand Junction, where they were put on a U.S. Forest Service DC-3 smoke-jumping plane and flown home to Oregon.

The nine "hotshots". were among 14 firefighters killed a week ago when the fire on Storm King Mountain west of Glenwood Springs suddenly flared out of control. The fire, which burned more than 2,000 acres, was finally brought under control by more than 500 firefighters Monday night.

The cross, on a ridge above town, was illuminated Friday and will stay lit for 14 days in honor of the 14 firefighters.

District Ranger Dick Godwin of the U.S. Bureau of Land Management led the solemn procession. He said there were people at the Canyon Creek exit near the fire site and others down the road at Newcastle standing by to pay their respects.

Six firefighters—four men and two women—were pallbearers, transferring each of the caskets from hearses to the plane. All six wore the standard firefighter flame-resistant uniform of yellow shirts and green pants.

The only sounds were the roars of slurry bombers taking off from Walker Field for morning strikes on the many fires burning on the Western slope.

As the DC-3 lifted off from the runway at about 9 a.m., several firefighters removed their helmets and waved.

"It makes you think a lot about safety, and about how serious a job this is," said Chad Ford, a firefighter from Minturn. "It really, really makes you think."

The plane made four stops in Oregon. Six of the dead were returned to Redmond in central Oregon, where the elite team of hotshot firefighters was based. Eleven firefighters who survived the blaze and about 50 friends and relatives were on hand for a somber ceremony punctuated only by sobs and the playing of taps.

"This is the worst part of the deal, right here," said Bryan Scholz, one of the survivors. "It's going to be good having them back home, but not being able to shake their hands is a raw deal."

The six brought to Redmond were Kathi Beck of Eugene; Tami Bickett of Powell Butte; Rob Johnson of Redmond; and Terri Hagen, Bonnie Holtby and Jon Kelso of Prineville.

Earlier, at the eastern Oregon town of Burns, a crowd of about 350 fell silent as the plane approached. A minister read the Lord's Prayer.

The plane later stopped in Eugene, where 40 ribbon-wearing spectators awaited the return of the body of Doug Dunbar of McKenzie Bridge.

The hearse was led by motorcycle police and followed by several squad cars. Fire engines were stationed along the route to the funeral home.

The plane's final stop was in Troutdale, east of Portland, with the body of Scott Blecha of Clatskanie.

The bodies of the other firefighters killed in the blaze were returned home last week.

Today I had the privilege and honor to write to Gov. Barbara Roberts, Governor of the State of Oregon, Senator MARK HATFIELD, U.S. Senator of the State of Oregon and Senator PACKWOOD, U.S. Senator from the State of Oregon and the Honorable ROBERT SMITH, U.S. House of Representatives in whose district Prineville and these other communities are located. I wrote as follows:

To the People of Oregon:

On July 6th, 1994, several of Oregon's finest citizens gave their lives in the line of duty to protect the community of Glenwood Springs, Colorado from devastation as a result of a horrible, unpredictable fire. The pain and loss felt by the fine state of Oregon and by the family and friends of the firefighters is shared by the people of Colorado.

Such bravery, as shown by these firefighters and those firefighters who survived, is the standard by which the term "hero" should be defined.

With deep gratitude, the people of Colorado and I would like to thank the state of Oregon. We will reserve in our memory and thoughts a special place, so that future generations will recognize the price paid.

A beautiful and moving memorial will be placed in the Glenwood area within the near future.

Finally, Mr. Speaker, years ago I lost a very, very close friend of mine, and I can remember his grandfather, an old cowboy. His grandfather came down to me, and I was in grief, and he put his hand on my shoulder and he said to me, "Scott, E.J. has just ridden ahead on the trail to set up camp and put on the coffee." These 14 heroes have just ridden ahead on the trail.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Miss COLLINS of Michigan (at the request of Mr. GEPHARDT), for today before 11 a.m., on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. WELDON, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

(The following Members (at the request of Mr. UNDERWOOD) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. SABO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GOSS) and to include extraneous matter:)

Mr. GILMAN.

Mrs. VUCANOVICH.

Mr. ZELIFF.

Mr. WELDON.

Mr. QUINN.

Mr. SMITH of Texas.

Mr. SOLOMON in four instances.

(The following Members (at the request of Mr. UNDERWOOD) and to include extraneous matter:)

Mr. HAMILTON in three instances.

Mrs. THURMAN in two instances.

Mr. HASTINGS.

Mr. MANN.

Mr. CLYBURN in four instances.

Mr. MARKEY.

Mr. LANTOS.

Mr. BROWN of California.

Mr. HINCHEY.

Mr. CARR of Michigan.

Mr. BROWN of California.

Mrs. MALONEY.

Mrs. SCHROEDER.

Mr. STUDDS.

Mr. SPRATT.

Mr. RICHARDSON.

(The following Members (at the request of Mr. MCINNIS) and to include extraneous matter:)

Mr. LEACH.

Mr. PAXON.

Mr. POMEROY.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1703. An act to expand the boundaries of the Piscataway National Park, and for other purposes; to the Committee on Natural Resources.

SENATE ENROLLED BILLS AND A JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 273. An act to remove certain restrictions from a parcel of land owned by the City of North Charleston, South Carolina, in order to permit a land exchange, and for other purposes.

S. 1402. An act to convey a certain parcel of public land to the county of Twin Falls, Idaho, for use as a landfill, and for other purposes.

S.J. Res. 187. Joint resolution designating July 16 through July 24, 1994, as "National Apollo Anniversary Observance."

ADJOURNMENT

Mr. McINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 48 minutes p.m.) the House adjourned until tomorrow, Thursday, July 14, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3508. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification for Presidential determination regarding the drawdown of defense articles and services for the Dominican Republic, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

3509. A letter from the Director, Office of Management and Budget, transmitting a report by OMB for pay-as-you-go calculations for Public Law No. 103-275 (H.R. 4568), pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

3510. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of their intent to disburse funds for purposes of Nonproliferation and Disarmament Fund activities, pursuant to 22 U.S.C. 5858; jointly, to the Committees on Foreign Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 3499. A bill to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act; with an amendment (Rept. 103-598, Pt. 1). Ordered to be printed.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 2721. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to improve the effectiveness of administrative review of employment discriminations claims made by Federal employees, and for other purposes; with an amendment (Rept. 103-599 Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STUDDS (for himself, Mrs. UNSOELD, and Mr. WYDEN):

H.R. 4734. A bill to require consultations, assessments, and monitoring of the effects of major trade actions on the environment generally, including fish, wildlife, endangered species, and other natural resources; jointly, to the Committees on Ways and Means and Merchant Marine and Fisheries.

By Mr. RUSH:

H.R. 4735. A bill to amend section 14 of the United States Housing Act of 1937 to authorize public housing agencies to use comprehensive modernization grant amounts to leverage amounts to replace and modernize public housing; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROSE (by request):

H.R. 4736. A bill to establish in the Treasury of the United States the Library of Congress Revolving Fund, and for other purposes; jointly, to the Committees on House Administration and the Judiciary.

By Mr. WYDEN (for himself, Mr. STUDDS, and Mrs. UNSOELD):

H.R. 4737. A bill to modify the negotiating objectives of the United States for future trade agreements, and for other purposes; to the Committee on Ways and Means.

By Mr. BOEHNER (for himself, Mr. BLUTE, Mr. GOSS, Mr. INGLIS of South Carolina, Mr. PORTMAN, Mr. GREENWOOD, and Mr. ROBERTS):

H.R. 4738. A bill to reduce the official mail allowance of Members of the House and to prohibit certain other mailing practices, and for other purposes; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mrs. BYRNE:

H.R. 4739. A bill to extend certain requirements and standards under the Occupational Safety and Health Act of 1970 to the legislative branch; jointly, to the Committees on Education and Labor and House Administration.

By Mr. DEUTSCH:

H.R. 4740. A bill to require the Administrator of General Services to convey to the city of Key West, FL, each of 2 parcels of land of the Naval Air Station Key West in Key West, FL, at such time as the parcel is reported to the Administrator as excess to the needs of the Department of the Navy; to the Committee on Government Operations.

By Mr. UNDERWOOD:

H.R. 4741. A bill to amend the Organic Act of Guam to provide for restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes; jointly, to the Committees on Natural Resources and the Judiciary.

By Mr. HERGER:

H.R. 4742. A bill to declare a state of emergency on Federal lands within the State of California for the immediate reduction in forest fuels for the prevention of catastrophic wildfire; jointly, to the Committees on Natural Resources and Agriculture.

By Mr. KINGSTON:

H.R. 4743. A bill to provide that carriage of an item of equipment to be used under a Federal contract for cleaning up radioactive waste from the production of nuclear weapons is not coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Ms. LAMBERT (for herself, Mr. THORNTON, Mr. EMERSON, Mr. STENHOLM, Mr. MCCLOSKEY, Mr. MYERS of Indiana, Mr. HILLIARD, and Mr. BAKER of Louisiana):

H.R. 4744. A bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes; to the Committee on Agriculture.

By Mr. MARKEY (for himself and Mr. SYNAR):

H.R. 4745. A bill to provide a framework for Securities and Exchange Commission supervision and regulation of derivatives activities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MILLER of California (by request):

H.R. 4746. A bill to provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes; to the Committee on Natural Resources.

By Mr. MORAN:

H.R. 4747. A bill to amend the Internal Revenue Code of 1986 to allow claims for credits and refunds in certain cases where the statute of limitations is open for the assessment of a deficiency; to the Committee on Ways and Means.

H.R. 4748. A bill to amend the Internal Revenue Code of 1986 to allow the Internal Revenue Service to prescribe and update a standard mileage rate for the charitable use of a passenger automobile; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself and Mr. DIAZ-BALART):

H.R. 4749. A bill to provide for adjustment of status of certain Nicaraguans; to the Committee on the Judiciary.

By Mr. SHARP:

H.R. 4750. A bill to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes; to the Committee on Energy and Commerce.

H.R. 4751. A bill to reauthorize appropriations for the weatherization program under section 422 of the Energy Conservation and Production Act; to the Committee on Energy and Commerce.

H.R. 4752. A bill to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TORRICELLI:

H.R. 4753. A bill to provide for the safety of journeymen boxers, and for other purposes; jointly, to the Committees on Education and Labor and Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 4754. A bill to provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes; to the Committee on Natural Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 140: Mr. LUCAS and Mr. ANDREWS of New Jersey.
H.R. 171: Mr. WELDON.
H.R. 214: Mr. KYL.
H.R. 216: Ms. MARGOLIES-MEZVINSKY.
H.R. 291: Mr. BACCHUS of Florida, Mr. MANTON, Mr. FOGLIETTA, and Mr. GEKAS.
H.R. 302: Mr. ENGEL and Mr. STRICKLAND.
H.R. 326: Mr. POMBO, Mr. HALL of Texas, Mrs. COLLINS of Illinois, Mr. MCHUGH, Mr. PETE GEREN of Texas, Ms. MOLINARI, and Mr. ORTIZ.
H.R. 559: Ms. FURSE.
H.R. 743: Ms. MARGOLIES-MEZVINSKY.
H.R. 832: Mr. MCHUGH.
H.R. 911: Mr. LIVINGSTON.
H.R. 1009: Mrs. BYRNE.
H.R. 1110: Mr. WELDON.
H.R. 1295: Mr. KILDEE.
H.R. 1417: Mr. FROST, Mr. OWENS, and Mr. ANDREWS of Maine.
H.R. 1563: Mr. BLUTE.
H.R. 1737: Mr. WILSON.
H.R. 1887: Ms. MARGOLIES-MEZVINSKY.
H.R. 2043: Mr. FORD of Tennessee.
H.R. 2132: Mr. KASICH.
H.R. 2292: Mr. SWETT, Mr. STEARNS, and Mr. FRANK of Massachusetts.
H.R. 2512: Mr. ROYCE.
H.R. 2898: Mr. SABO.
H.R. 2930: Mr. ENGEL.
H.R. 2959: Mr. TALENT.
H.R. 3271: Mr. POMBO.
H.R. 3309: Mr. DARDEN, Mrs. SCHROEDER, and Mr. FILNER.
H.R. 3407: Mr. BAKER of California and Mr. ABERCROMBIE.
H.R. 3490: Mr. HINCHEY.
H.R. 3560: Mr. POMBO.
H.R. 3594: Mr. KINGSTON.
H.R. 3705: Mr. PETRI, Mr. GALLEGLY, Mr. JEFFERSON, and Mr. BARCIA of Michigan.
H.R. 3722: Mr. LEVY, Mr. FROST, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3771: Mr. ENGEL.
H.R. 3827: Mr. ENGEL.
H.R. 3943: Mr. BACHUS of Alabama.
H.R. 3951: Mr. MINGE, Mr. BACHUS of Alabama, Mr. BATEMAN, and Mr. BROWDER.
H.R. 3990: Mr. ANDREWS of Maine, Mr. KLECZKA, Mr. LEVY, and Ms. SHEPHERD.
H.R. 3994: Mr. HUFFINGTON.
H.R. 4042: Mr. GUTIERREZ.
H.R. 4056: Mr. CONDIT, Mr. SANTORUM, Mr. PAYNE of Virginia, and Mr. CALVERT.
H.R. 4057: Mr. MACHTLEY, Mr. GALLEGLY, Mr. CALVERT, Mr. WELDON, Mr. BLUTE, Mrs. FOWLER, Mr. ZELIFF, Mr. BARRETT of Nebraska, and Mr. EMERSON.
H.R. 4077: Mr. HAYES.
H.R. 4135: Mr. REGULA, Mr. LEVIN, Mr. CAMP, Mr. STUPAK, and Mr. HOEKSTRA.
H.R. 4189: Mr. BEILENSON, Ms. PRYCE of Ohio, and Mr. ROHRABACHER.
H.R. 4230: Mr. PASTOR.
H.R. 4260: Mr. WASHINGTON, Mr. LEWIS of California, Mr. GEKAS, Mr. HUGHES, Ms. WOOLSEY, and Ms. MOLINARI.
H.R. 4263: Ms. BROWN of Florida.
H.R. 4271: Mr. CHAPMAN.
H.R. 4298: Mr. MAZZOLI.
H.R. 4316: Mr. EVANS.
H.R. 4365: Mr. BACHUS of Alabama and Mr. LIVINGSTON.
H.R. 4402: Mr. FILNER.
H.R. 4404: Mr. GRANDY, Mr. HALL of Ohio, Mr. STARK, Ms. PRYCE of Ohio, and Mr. OLVER.
H.R. 4411: Ms. KAPTUR, Mr. BERMAN, and Mr. MARTINEZ.
H.R. 4421: Mr. HERGER.
H.R. 4467: Ms. KAPTUR.
H.R. 4495: Mr. LAFALCE, Mr. EVANS, and Mr. SYNAR.
H.R. 4514: Mr. CUNNINGHAM and Mr. STUDDS.
H.R. 4517: Mr. STUPAK, Mr. FRANK of Massachusetts, and Mr. COLEMAN.
H.R. 4612: Mr. ROHRABACHER.
H.R. 4636: Mr. SWIFT, Mr. FINGERHUT, Mr. FISH, Mrs. JOHNSON of Connecticut, Mr. RICHARDSON, Mrs. BYRNE, Mr. WHEAT, Mrs. KENNELLY, and Mr. FALEOMAVAEGA.
H.R. 4643: Mr. CALLAHAN.
H.J. Res. 44: Mr. ZIMMER.
H.J. Res. 90: Ms. BROWN of Florida, Mr. CLYBURN, and Ms. MCKINNEY.
H.J. Res. 113: Mr. HASTERT.
H.J. Res. 311: Mr. ANDREWS of Maine, Mr. GIBBONS, Mr. GINGRICH, Mr. GRANDY, Mr. ROBERTS, Mr. ROWLAND, and Mr. TORRES.
H. Con. Res. 6: Mr. MCCURDY and Mr. MCKEON.
H. Con. Res. 122: Mr. ZIMMER.
H. Con. Res. 148: Mr. REGULA and Mr. GEKAS.
H. Con. Res. 243: Mrs. FOWLER, Mr. DURBIN, and Mr. YOUNG of Florida.
H. Con. Res. 250: Mr. ABERCROMBIE, Mr. BROWN of California, Mr. DELLUMS, Mr. EVANS, Mr. FILNER, Ms. FURSE, Mr. GUTIERREZ, Ms. Eddie BERNICE JOHNSON of Texas, Mr. JOHNSON of South Dakota, Ms. SLAUGHTER, and Mr. WAXMAN.
H. Res. 473: Ms. SLAUGHTER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3222: Mr. GOSS.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions, and papers were laid on the Clerk's desk and referred as follows:

102. By the SPEAKER: Petition of the Commissioner of Public Lands, Olympia, WA, relative to public lands; to the Committee on Natural Resources.

103. Also, petition of the Commissioner of Public Lands, Olympia, WA, relative to conservation, preservation and restoration of America's biodiversity; to the Committee on Merchant Marine and Fisheries.

104. Also, petition of the Commissioner of Public Lands, Olympia, WA, relative to transboundary natural resources along the Mexican border; jointly, to the Committee on Natural Resources and Foreign Affairs.

105. Also, petition of the Commissioner of Public Lands, Olympia, WA, relative to pollutants on State land; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

AMENDMENTS

Under Clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3937

By Mr. BERMAN:

(PURSUANT TO THE RULE, PAGE AND LINE NUMBERS ARE TO H.R. 4663)

—Page 236, insert the following after line 6:

(i) REGULATION OF EXPORT OF CERTAIN COMMERCIAL COMMUNICATIONS SATELLITES AND ASSOCIATED EQUIPMENT.—

(1) REGULATION SOLELY UNDER THIS TITLE.—Notwithstanding any other provision of law, the export of commercial communications satellites, including any integral components of such satellites, which are designed for civil applications, when exported as part of a satellite system for purposes of launch, shall be regulated under this title, except that this paragraph shall not apply to cryptographic components of such satellites, ground stations, and test equipment, that are controlled under the Arms Export Control Act. The Secretary shall consult with the Secretary of Defense and the Secretary of State to determine the satellites and components to which this paragraph applies. The Secretary, inconsultation with the Secretary of State and the Secretary of Defense, shall prohibit the unauthorized transfer of missile equipment, data, or technology that are components of any such satellite which is authorized for export.

(2) PRESIDENTIAL DETERMINATIONS.—An item described in paragraph (1) that is regulated under this title may be subject to control under the Arms Export Control Act if the President—

(A) determines that extraordinary circumstances exist affecting the national security of the United States, which require that the item be controlled under the Arms Export Control Act;

(B) proposes to COCOM that the item be added to the International Munitions List; and

(C) not later than 10 days after making the determination under subparagraph (A), submits a report to the Speaker of the House of Representatives and the President pro tempore of the Senate, describing in detail the reasons for the determination, in appropriate classified form, as necessary.

(3) AMENDMENT TO ARMS EXPORT CONTROL ACT.—Section 38(a) of the Arms Export Control Act (22 U.S.C. 2778(a)) is amended—

(A) in paragraph (3), by striking "In exercising the authorities" and inserting "Except as provided in paragraph (4), in exercising the authorities"; and

(B) by adding at the end the following new paragraph:

"(4) The export of commercial communications satellites, when exported as part of a satellite system for purposes of launch, may be regulated only by the Secretary of Commerce under the Export Act of 1994, pursuant to section 117(i)(1) of that Act.".

(4) APPLICABILITY.—The amendments made by this subsection shall apply only with respect to the export of satellites on or after the date of the enactment of this Act.

By Mr. CUNNINGHAM;

—Page 208, add the following after line 23:

(s) SPECIAL ROLE OF SECRETARY OF DEFENSE.—Notwithstanding any other provision of this title, the Secretary of Defense shall have the authority under this title to prohibit any export of commodities or technology to North Korea, Iran, Iraq, Syria, Libya, or Cuba.

By Mr. GEJDENSON:

—Add at the end of the bill the following new title:

TITLE III—ENVIRONMENTAL EXPORT PROMOTION

SEC. 301. SHORT TITLE.

This title may be cited as the "Environmental Export Promotion Act of 1994"

SEC. 302. PROMOTION OF UNITED STATES ENVIRONMENTAL EXPORTS.

(a) ENVIRONMENTAL TECHNOLOGIES TRADE ADVISORY COMMITTEE.—Section 2313 of the Export Enhancement Act of 1988 (15 U.S.C. 4728) is amended—

(1) by striking subsection (d);

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following:

"(c) ENVIRONMENTAL TECHNOLOGIES TRADE ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT AND PURPOSE.—The Secretary, in carrying out the duties of the chairperson of the TPCC, shall establish the Environmental Technologies Trade Advisory Committee (hereafter in this section referred to as the 'Committee'). The purpose of the Committee shall be to provide advice and guidance to the Working Group in the development and administration of programs to expand United States exports of environmental technologies, goods, and services.

"(2) MEMBERSHIP.—The members of the Committee shall be drawn from representatives of—

"(A) environmental businesses, including small businesses;

"(B) trade associations in the environmental sector;

"(C) private sector organizations involved in the promotion of environmental exports;

"(D) States (as defined in section 2301(i)(5)) and associations representing the States; and

"(E) other appropriate interested members of the public.

"The Secretary shall appoint as members of the Committee at least 1 individual under each of subparagraphs (A) through (E).

"(d) EXPORT PLANS FOR PRIORITY COUNTRIES.—

"(1) PRIORITY COUNTRY IDENTIFICATION.—The Working Group, in consultation with the Committee, shall annually assess which foreign countries have markets with the greatest potential for the export of United States environmental technologies, goods, and services. Of these countries the Working Group shall select as priority countries 5 with the greatest potential for the application of United States Government export promotion resources related to environmental exports.

"(2) EXPORT PLANS.—The Working Group, in consultation with the Committee, shall annually create a plan for each priority country selected under paragraph (1), setting forth in detail ways to increase United States environmental exports to such country. Each such plan shall—

"(A) identify the primary public and private sector opportunities for United States exporters of environmental technologies, goods, and services in the priority country;

"(B) analyze the financing and other requirements for major projects in the priority country which will use environmental technologies, goods, and services, and analyze whether such projects are dependent upon financial assistance from foreign countries or multilateral institutions; and

"(C) list specific actions to be taken by the member agencies of the Working Group to increase United States exports to the priority country.".

(b) ADDITIONAL MECHANISMS TO PROMOTE ENVIRONMENTAL EXPORTS.—Section 2313 of the Export Enhancement Act of 1988 is further amended by adding at the end the following:

"(f) ENVIRONMENTAL TECHNOLOGIES SPECIALISTS IN THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE.—

"(1) ASSIGNMENT OF ENVIRONMENTAL TECHNOLOGIES SPECIALISTS.—The Secretary shall assign a specialist in environmental technologies to the office of the United States and Foreign Commercial Service in each of the 5 priority countries selected under subsection (d)(1), and the Secretary is authorized to assign such a specialist to the office of the United States and Foreign Commercial Service in any country that is a promising market for United States exports of environmental technologies, goods, and services. Such specialist may be an employee of the Department, an employee of any relevant United States Government department or agency assigned on a temporary or limited term basis to the Commerce Department, or a representative of the private sector assigned to the Department of Commerce.

"(2) DUTIES OF ENVIRONMENTAL TECHNOLOGIES SPECIALISTS.—Each specialist assigned under paragraph (1) shall provide export promotion assistance to United States environmental businesses, including, but not limited to—

"(A) identifying factors in the country to which the specialist is assigned that affect the United States share of the domestic market for environmental technologies, goods, and services, including market barriers, standards-setting activities, and financing issues;

"(B) providing assessments of assistance by foreign governments that is provided to producers of environmental technologies, goods, and services in such countries in order to enhance exports to the country to which the specialists is assigned, the effectiveness of such assistance on the competitiveness of United States products, and whether comparable United States assistance exists;

"(C) training Foreign Commercial Service Officers in the country to which the specialist is assigned, other countries in the region, and United States and Foreign Commercial Service offices in the United States, in environmental technologies and the international environmental market;

"(D) providing assistance in identifying potential customers and market opportunities in the country to which the specialist is assigned;

"(E) providing assistance in obtaining necessary business services in the country to which the specialist is assigned;

"(F) providing information on environmental standards and regulations in the country to which the specialist is assigned; and

"(G) providing information on all United States Government programs that could assist the promotion, financing, and sale of United States environmental technologies, goods, and services in the country to which the specialist is assigned.

"(g) ENVIRONMENTAL TRAINING IN ONE-STOP SHOPS.—In addition to the training provided under subsection (f)(2)(C), the Secretary shall establish a mechanism to train—

"(1) Commercial Service Officers assigned to the one-stop shops provided for in section 2301(b)(8), and

"(2) Commercial Service Officers assigned to district offices in districts having large numbers of environmental businesses,

in environmental technologies and in the international environmental marketplace, and ensure that such officers receive appropriate training under such mechanism. Such training may be provided by officers or employees of the Department of Commerce, and other United States Government departments and agencies, with appropriate expertise in environmental technologies and the international environmental workplace, and by appropriate representatives of the private sector.

"(h) INTERNATIONAL REGIONAL ENVIRONMENTAL INITIATIVES.—

"(1) ESTABLISHMENT OF INITIATIVES.—The TPCC shall establish one or more international regional environmental initiatives the purpose of which shall be to coordinate the activities of Federal departments and agencies in order to build environmental partnerships between the United States and the geographic region outside the United States for which such initiative is established. Such partnerships shall enhance environmental protection and promote sustainable development by using in the region technical expertise and financial resources of United States departments and agencies that provide foreign assistance and by expanding United States exports of environmental technologies, goods, and services to the region.

"(2) ACTIVITIES.—In carrying out each international regional environmental initiative, the TPCC shall—

"(A) support, through the provision of foreign assistance, the development of sound environmental policies and practices in countries in the geographic region for which the initiative is established, including the development of environmentally sound regulatory regimes and enforcement mechanisms;

"(B) identify and disseminate to United States environmental businesses information regarding specific environmental business opportunities in the geographic region;

"(C) coordinate existing Federal efforts to promote environmental exports to that geographic region, and ensure that such efforts are fully coordinated with environmental export promotion efforts undertaken by the States and private sector;

"(D) increase assistance provided by the Federal Government to promote exports from the United States of environmental technologies, goods, and services to that geographic region, such as trade missions, reverse trade missions, trade fairs, and programs in the United States to train foreign nationals in United States environmental technologies; and

"(E) increase high-level advocacy by United States Government officials (including the United States ambassadors to the countries in that geographic region) for United States environmental businesses seeking market opportunities in the geographic region.

"(i) ENVIRONMENTAL TECHNOLOGIES PROJECT ADVOCACY CALENDAR AND INFORMATION DISSEMINATION PROGRAM.—The Working Group shall maintain a calendar, updated at the end of each calendar quarter, of significant opportunities for United States environmental businesses in foreign markets and trade promotion events, which shall be made available to the public. Such calendar shall—

"(1) identify the 50 to 100 environmental infrastructure and procurement projects in foreign markets that have the greatest potential in the calendar quarter for United States exports of environmental technologies, goods, and services; and

"(2) include trade promotion events, such as trade missions and trade fairs, in the environmental sector.

The Working group shall also provide, through the National Trade Data Bank and other information dissemination channels, information on opportunities for environmental businesses in foreign markets and information on Federal export promotion programs.

"(j) REGIONAL CENTERS.—The Secretary, through the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, is authorized to provide matching funds for the establishment in the United States of regional environmental business and technology cooperation centers that will draw upon the expertise of the private sector and

institutions of higher education and existing Federal programs to provide export promotion assistance related to environmental technologies, goods, and services.

"(k) DEFINITION.—For purposes of this section, the term 'environmental business' means a business that produces environmental technologies, goods, services.".

By Mr. GILMAN:

—Page 208, insert the following after line 7 and redesignate succeeding subsections accordingly:

(q) END USE MONITORING.—

(1) REPORTS ON LICENSE CHECKS.—The Secretary shall include, in each annual report submitted under section 115, a list of all postshipment verification checks, prelicense checks, and similar procedures conducted to monitor end uses, in the case of licenses approved for exports to any country of commodities or technology that could provide significantly enhanced military capabilities to that country, especially the capability to develop, produce, stockpile, use, or deliver advanced conventional weapons and weapons of mass destruction. Such report shall include the license number, the value of the commodities or technology to which the license relates, the country of destination, and the date on which the check or procedure was performed.

(2) MONITORING STANDARDS.—The President shall develop monitoring standards in order to improve accountability with respect to the export of commodities and technology for which licenses are required under sections 105 and 106. Such standards shall be designed to provide reasonable assurance that the authorized end user is complying with the requirements imposed by the United States Government with respect to the use or reexport of those commodities or technology.

(3) MONITORING RESPONSIBILITIES.—Pursuant to the standards developed under paragraph (2), the Secretary, in consultation with appropriation departments and agencies, shall monitor the end uses of the exports described in paragraph (2) to recipient countries.

(4) MONITORING ARRANGEMENTS.—(A) The President, as appropriate, shall pursue negotiations leading to arrangement or agreement with recipient countries of commodities and technology identified under paragraph (1) to permit representatives of the United States Government, including the attachés assigned under subsection (r), to review the end uses of such commodities and technology and provide such representatives with information necessary to monitor end uses of items controlled for export by the United States.

(B) The President shall take into account the compliance of the recipient country in carrying out any such arrangement or agreement before supporting the membership of such country in a multilateral export control regime, including COCOM.

(5) MONITORING REPORT.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter as part of the annual report submitted under section 115, the Secretary shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report outlining the actions taken to implement paragraphs (2), (3), and (4).

By Mr. HUNTER:

—Page 208, add the following after line 23:

(s) AUTHORITY OF THE SECRETARY OF DEFENSE TO HALT EXPORTS.—Notwithstanding any other provision of this title, in any case in which the Secretary of Defense determines that it is necessary to halt a particular export of a commodity or technology in order to protect the national security interest of the United States, the Secretary of Defense shall so notify the President. The President may, within 10 days thereafter, decide not to prohibit the export, in which case he shall so notify the Secretary of Defense within that 10-day period. If the President does not make such a decision within that 10-day period, or if the President fails to so notify the Secretary of Defense of such a decision, the export shall be prohibited under this title.

By Mr. KASICH:

—Page 82, insert the following after line 2:

(l) TREATMENT OF CERTAIN SENSITIVE ITEMS.—

(1) FINDINGS.—The Congress makes the following findings:

(A) The United States continues to play a leadership role in controlling the export of sensitive dual use items and munitions items to dangerous countries.

(B) The importance of maintaining this leadership and securing the adherence of friendly nations to export restrictions similar to those of the United States was demonstrated by the large number of dual use and munitions items Iraq was able to secure from Western exporters prior to Desert Storm.

(C) Besides Iraq, the United States has voiced its concern about Libya, North Korea, Syria, Cuba, and Iran acquiring dual use and munitions items from Western sources, republics of the former Soviet Union, and the Peoples' Republic of China.

(D) Since Desert Storm, the United States has learned that a substantial number of sensitive items Iraq received from Western nations were not sent directly, but were reexported from third-party destinations.

(E) The threat of third-party reexports of sensitive exports could be aggravated by proposals to send dual use items to friendly nations "license-free" or under "substitute" licensing schemes that would be less restrictive than individual validated licensing, which requires prior United States consent for any reexport.

(F) Eliminating or reducing individual validated licensing requirements on sensitive dual use and munitions exports to friendly countries increases the risk that such items will be reexported to rogue countries, including Iran, Iraq, Syria, Libya, Cuba, and North Korea.

(2) POLICY STATEMENT.—It shall be the policy of the United States to maintain its international leadership in restricting the export of sensitive dual use items and of munitions to rogue countries such as Iran, Iraq, Syria, Libya, Cuba, and North Korea by—

(A) maintaining existing unilateral controls whenever necessary to keep sensitive United States dual use items and munitions from being exported to these countries;

(B) encouraging all other countries producing such items to restrict the export of these items in a similar manner;

(C) working with the republics of the former Soviet Union and of the members of COCOM to create a successor COCOM that would prohibit the export of the most sensitive dual use items and munitions to rogue countries such as Iran, Iraq, Syria, Libya, Cuba, and North Korea; and

(D) not reducing existing levels of controls on the export of sensitive dual use items and munitions through the creation of license-free zones and substitute licensing schemes.

(3) LICENSING REQUIREMENT.—

(A) LIST OF SENSITIVE ITEMS.—Notwithstanding any other provision of this title, the President, in consultation with the Secretary and the Secretaries of State, Defense, and Energy and the Director of the Arms Control and Disarmament Agency, shall compile a list of the most sensitive dual use and munitions items the export of which to the countries set forth in subparagraph (C) the President believes the United States should restrict. This list shall indicate whether the item is being controlled unilaterally or with other countries and shall be published in the Federal Register not later than 60 days after the date of the enactment of this Act.

(B) INDIVIDUAL VALIDATED LICENSE REQUIREMENT.—The President shall instruct the Secretary to require an individual validated license for the export to any destination of any item on the list compiled under subparagraph (A).

(C) LIST OF COUNTRIES.—The countries referred to in subparagraph (A) are Iran, Iraq, Syria, Libya, Cuba, and North Korea.

—Page 62, line 24, strike "(F)" and insert "(E)".

—Page 67, line 6, strike "(E)" and insert "(D)".

—Page 173, line 23, strike "109(h)(1)" and insert "109(i)(1)".

—Page 211, line 4, strike "109(g)" and insert "109(h)".

By Mr. MARKEY:

—Page 297, add the following after line 6:

PART E—RESTRICTIONS ON NUCLEAR EXPORTS

SEC. 261. RESTRICTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) no application for a license under the Export Administration Act of 1970 for the export to the People's Republic of China of any commodities or technology which, as determined under section 309(c) of the Nuclear Non-Proliferation Act of 1978, could be of significance for nuclear explosive purposes, or which, in the judgment of the President, is likely to be diverted for use in any nuclear explosive device, in any nuclear production or utilization facility, or for research on or the development of any nuclear explosive device shall be approved.

(2) no license may be issued under the Atomic Energy Act of 1945—

(A) for the export to the People's Republic of China of any production or utilization facility or any source material or special nuclear material, or

(B) for the export to the People's Republic of China of any component part, item, or substance which has been determined, under section 109b. of the Atomic Energy Act of 1954, to be especially relevant from the standpoint of export control because of its significance for nuclear explosive purposes,

(3) no authorization may be approved under section 57b.(2) of the Atomic Energy Act of 1954 for any person to engage, directly or indirectly, in the production of special nuclear material, and

(4) no retransfer may be approved to or from the People's Republic of China of any commodities, technology, facility, material, component part, item, or substance referred to in paragraph (1), (2), or (3),

until the conditions set forth in subsection (b) are met.

(b) CONDITIONS.—The conditions referred to in subsection (a) are that—

(1) the President has certified to the Congress that the People's Republic of China has provided clear and unequivocal assurances to the United States that it is not assisting and will not assist any non-nuclear-weapon

state, either directly or indirectly, in acquiring nuclear explosive devices or the materials and components for such devices; and

(2) the President has made the certifications and submitted the report required by Public Law 99-183.

SEC. 362 DEFINITIONS.

For purposes of this part—

(1) the terms "commodity" and "technology" have the meanings given those terms in section 116;

(2) the terms "non-nuclear-weapons state" and "nuclear explosive device" have the meanings given those terms in section 231; and

(3) the terms "production facility", "utilization facility", "source material" and "special nuclear facility" have the meanings given those terms in section 11 of the Atomic Energy Act of 1954.

By: Mr. MARKEY:

—Page 297, add the following after line 6:

TITLE III—RESTRICTIONS ON NUCLEAR EXPORTS

SEC. 301. RESTRICTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) no application for a license under the Export Administration Act of 1979 for the export to the People's Republic of China of any commodities or technology which, as determined under section 309(c) of the Nuclear Non-Proliferation Act of 1978, could be of significance for nuclear explosive purposes, or which, in the judgment of the President, is likely to be diverted for use in any nuclear explosive device, in any nuclear production or utilization facility, or for research on or the development of any nuclear explosive device shall be approved,

(2) no license may be issued under the Atomic Energy Act of 1954—

(A) for the export to the People's Republic of China of any production or utilization facility or any source material or special nuclear material, or

(B) for the export to the People's Republic of China of any component part, item, or substance which has been determined, under section 109b. of the Atomic Energy Act of 1954, to be especially relevant from the standpoint of export control because of its significance for nuclear explosive purposes,

(3) no authorization may be approved under section 57b.(2) of the Atomic Energy Act of 1954 for any person to engage, directly or indirectly, in the production of special nuclear material, and

(4) no retransfer may be approved to or from the People's Republic of China of any commodities, technology, facility, material, component part, item, or substance referred to in paragraph (1), (2), or (3), until the conditions set forth in subsection (b) are met.

(b) CONDITIONS.—The conditions referred to in subsection (a) are that—

(1) the President has certified to the Congress that the People's Republic of China has provided clear and unequivocal assurances to the United States that it is not assisting and will not assist any non-nuclear-weapon state, either directly or indirectly, in acquiring nuclear explosive devices or the materials and components for such devices; and

(2) the President has made the certifications and submitted the report required by Public Law 99-183.

SEC. 302. DEFINITIONS.

For purposes of this title—

(1) the terms "commodity" and "technology" have the meanings given those terms in section 116;

(2) the terms "non-nuclear-weapon state" and "nuclear explosive device" have the meanings give those terms in section 231; and

(3) the terms "production facility", "utilization facility", "source material" and "special nuclear facility" have the meanings given those terms in section 11 of the Atomic Energy Act of 1954.

By Mr. SOLOMON:

—Page 237, add the following after line 25:

(j) EXPORT OF SATELLITES TO CHINA.—A license may not be issued under this title or section 38 of the Arms Export Control Act for the export of any satellite intended for launch from a launch vehicle owned by the People's Republic of China.

By Mr. TORRICELLI:

—Page 208, after line 23, add the following:

(j) SATELLITES LAUNCHED ON VEHICLES OF THE PEOPLE'S REPUBLIC OF CHINA OR RUSSIA.—

(1) VALIDATED LICENSE REQUIREMENT.—A validated license shall be required under this title for the export of satellites, components, or satellite-related technology, that originated in the United States and that is intended for launch on vehicles owned or operated by the People's Republic of China or Russia.

(2) CRITERIA.—A validated license shall be granted under paragraph (1) only if—

(A) an agreement addressing the issue of fair trade in commercial satellite launch services exists between—

(i) the United States and the People's Republic of China, in the case of an application for a validated license to the People's Republic of China; or

(ii) the United States and Russia, in the case of an application for a validated license to Russia;

(B) the Secretary notifies the United States Trade Representative whenever an application for such a validated license in pending; and

(C) not later than 15 days after such notification, the Trade Representative determines with respect to the satellite, components thereof, or satellite-related technology which is the subject of the validated license application and notifies the Secretary in writing—

(i) that the People's Republic of China or Russia (as the case may be) is in full compliance with the terms of the agreement between that country and the United States referred to in subparagraph (A); or

(ii) that there is no reason to conclude that compliance with the terms of the agreement referred to in subparagraph (A) between that country and the United States has not been achieved.

H.R. 4663

By Mr. DEFAZIO:

—Add the following at the end of section 107:

(l) COMMODITIES USED AS RAW MATERIALS FOR MANUFACTURING PURPOSES.—

(1) MONITORING.—The Secretary shall monitor—

(A) exports of, and contracts of export, commodities typically used as raw materials for manufacturing purposes, and

(B) domestic supplies of such commodities, for the purpose of determining whether a critical shortage of such commodities exists in any State or region.

(2) EXPORT RESTRICTIONS.—If the Secretary finds that a critical shortage of any such commoditiy exists in any State or region, then the Secretary shall impose restrictions on the export of such commodities sufficient to ensure that there is an adequate supply of such commodities to meet domestic manufacturing needs in that State or region. The Secretary may remove such restrictions upon reporting to Congress, under paragraph (3)(A), that such restrictions are no longer required under this subsection.

(3) REPORTING TO CONGRESS.—(A) The Secretary shall submit to Congress, not later than 30 days after the end of each calendar quarter, a report on the results of the monitoring conducted under paragraph (1), the Secretary's determination of whether a critical shortage of any commodities typically used as raw materials for manufacturing purposes for domestic manufacturing purposes exists in any State or region, and any export restrictions imposed or to be imposed as a result of such determination.

(B) Each report under subparagraph (A) shall—

(i) specify the quantity of exports, by port, or commodities typically used as raw materials for manufacturing purposes during the period covered by the report;

(ii) estimate, as of the date of the report, the domestic supplies, by State, of such commodities;

(iii) determine whether such supplies of such commodities were sufficient to meet the needs of domestic manufacturers;

(iv) include a formal finding as to whether a critical shortage of such commodities for domestic manufacturing purposes exists in any State or region; and

(v) if such a shortage or shortages exist, specify the export restrictions imposed or to be imposed to satisfy domestic needs.

(4) PRESIDENTIAL AUTHORITY.—The President is authorized, after suitable notice and a public comment period of not less than 90 days, to suspend any export restrictions imposed under paragraph (2) if a ruling is issued under the formal dispute resolution procedures of the General Agreement on Tariffs and Trade finding that such restrictions violate Article XI prohibitions on export restrictions and are not allowable under the exceptions to Article XI.

—Add the following at the end of section 107:

(l) The President shall prohibit the export of a commodity to any nation where—

(1) such commodity is typically used as a raw material for manufacturing purposes;

(2) that nation's demand for such commodity is contributing to domestic supply shortages of such commodity for domestic manufacturing purposes; and

(3) the National Trade Estimate Report on Foreign Trade Barriers, prepared by the U.S. Trade Representative, finds that such nation maintains tariff or non-tariff barriers that impede the import of items manufactured in the U.S. using such commodity.

EXTENSIONS OF REMARKS

THE TRADE AND ENVIRONMENT REPORTING ACT OF 1994

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. STUDDS. Mr. Speaker, the world in which U.S. consumers and workers live is growing steadily smaller. Actions we take in this country today have the potential to reverberate almost immediately on the other side of the planet. American workers must compete in a global economy and American jobs are created or lost by the relative success or failure of our export markets. The ways in which U.S. companies do business reflect the growing influence of international free trade principles—that, ideally, those who produce the best products at the cheapest prices are the winners.

As we work to improve markets for U.S. products abroad, one of the questions we must ask is whether, in all this rush to embrace the principles of free trade, we are sacrificing any of the environmental goals that are so important to the American people.

Those who would question whether environmental issues should play any role in trade deliberations need only sit on the Merchant Marine and Fisheries Committee for a while, and they'll find a clear and unequivocal answer. Many of the critical environmental statutes under my committee's jurisdiction—laws which enjoy tremendous popular support—contain trade provisions as enforcement mechanisms, identify trade in wildlife products as contributing to the demise of species, or recognize that irresponsible harvesting methods can have devastating effects on ecosystems. Discussions on how best to harmonize trade objectives with environmental goals are underway at the United Nations, the Organization for Economic Cooperation and Development, and other international fora. As responsible lawmakers, we should be using our time to determine—both domestically and in the global arena—how to best approach this issue, not how to avoid it.

The bill I introduce today, the Trade and Environment Reporting Act of 1994, is based on the simple need to get information about this complex relationship. It would require the Office of the Trade Representative [USTR] to consult with Congress, the environmental agencies, and environmental organizations before entering into major trade actions that could affect environmental resources. It would also require USTR to prepare environmental assessments of free trade agreements, and it would require the environmental agencies to monitor and report on the effects of those agreements.

This bill is simple common sense. It will shed much-needed light on the relationship between liberalized global trade and an increasingly fragile global environment, and it will do so without affecting our ability to negotiate trade agreements that are good for the American economy and American workers. This is good policy, and I urge my colleagues to support it.

WILLIE M. McLAUGHLIN—FIRST BLACK STATE AMERICAN LEGION COMMANDER

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. CLYBURN. Mr. Speaker, I rise today to congratulate Mr. Willie M. McLaughlin of Greenwood, SC, who recently was elected the first black commander of the State American Legion chapter.

Mr. McLaughlin was unanimously selected as the leader of the group of more than 25,000 State veterans. Mr. McLaughlin, who is 66 years old, is a retired vocational and agriculture teacher.

Mr. McLaughlin was a sergeant in the U.S. Army and served from 1946 to 1951, including 10 months in Korea. He was a teacher for 35 years, including stints at Greenwood High School and Greenwood Vocational Center, and was president of the Greenwood County Education Association.

Mr. McLaughlin served as post commander of the American Legion in Greenwood and as vice commander of the State chapter.

Mr. McLaughlin should be commended for his mission as the new State commander to increase the American Legion's involvement in education and drug abuse prevention among our youth.

VALUES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, July 13, 1994 into the CONGRESSIONAL RECORD:

VALUES

My sense is that the country is going through a kind of moral crisis in which a great many complicated issues with significant moral dimensions are being worked out. I have been impressed how the issues in politics today relate increasingly to our culture. The usual stuff of politics is the economy or foreign policy. Today the concerns of many Americans are violent crime, drug abuse, coarse popular entertainment, rising birth rates among unmarried mothers, and a sense that parents are not raising their children properly. Statistics confirm that violent crime, especially by juveniles, out-of-wedlock births, teen suicides, non-married households, and divorces are all up sharply in recent years.

The polls show that an overwhelming percentage of adults think that the United States is in moral and spiritual decline. They rank crime and drug abuse far ahead of jobs and health care as national concerns. They see that the family has fractured, neighborhoods have disappeared and turned unruly, schools struggle to educate, and even churches are under stress. In short, they fear we are abandoning the very values which have held us together as a nation for over two centuries. As one voter put it to me recently, "Whatever happened to decency and respect?"

Building Character: The debate about values surfaces in discussions of crime, welfare reform, health care, and education, and in many other aspects of social policy. This concern for the culture of the nation is creating a new kind of politics in America. Its theme is personal responsibility and building character. It emphasizes that there is a moral crisis in America and that its citizens must fight back to retrieve the shared values we all agree contribute to ethical behavior and good citizenship.

Numerous communities and institutions across the country are rekindling shared values through "character education" programs. These programs take many forms. Some teach students the use of mediation instead of aggression to solve conflicts, or ways to resist peer pressure to use drugs or engage in sexual activity. Still others encourage community service, promote democratic practices, or highlight a particular value, such as honesty or tolerance, through essays, visuals, or role-playing. In some communities, parents, clergy, and local businesses participate. Some programs report dramatic drops in discipline problems; for others results are more modest. But all take seriously the words of Theodore Roosevelt that "to educate a man in mind and not in character is to educate a menace to society."

There are national efforts as well. Two organizations involved in values education are the Character Counts Coalition (CCC), a broadbased coalition which includes the American Red Cross, the 4-H, the Girls and Boys Clubs of America, the Little League, and the National Urban League; and the Character Education Project (CEP), supported by groups including the National Association of Evangelicals and the National Education Association. The CCC seeks to "strengthen the moral fiber of the next generation" through programs which promote six commonly-accepted principles: trustworthiness, respect, responsibility, justice, caring, and citizenship. While not emphasizing specific values, the CEP similarly promotes character education programs and awareness across the country, helping to match schools with appropriate programs and materials.

Role of the Family: Of course such groups cannot and do not seek to act alone. Most of us would acknowledge that good character has to come from living in communities—family, neighborhood, religious and civic institutions—where virtue is encouraged and

rewarded. There is no question that the family will continue to play the central role in shaping the values of the next generation. That is as it should be. But like it or not, many young people do not enjoy the benefit of strong and positive family influences. Even those with loving and involved parents need those positive influences reinforced in their schools, religious institutions, and community organizations. Adults in all facets of our children's lives must serve as models of the core ethical values we would like them to learn.

Role of Government: Government can be of some help as well. First, like the national coalitions, government can draw attention to the issue. Bipartisan groups in both the House and Senate have introduced a resolution to declare a "National Character Counts Week." The resolution, which I cosponsored, focuses attention on character education efforts by encouraging local activities during the commemorative week and beyond. Secondly, Congress can pass appropriate legislation to help strengthen the family or address other value-related concerns, even if in a secondary way. For example, legislation can support local anti-crime efforts, prohibit discrimination, or help states improve child support enforcement, school safety, and anti-drug programs. Finally, Congress can be alert to unanticipated negative effects of public policies on values, such as a welfare system which discourages two-parent families and encourages dependency.

In the end I think that most of us understand that without a virtuous people the country really does not function well and individuals cannot realize either their own or the common good. I have been encouraged by the rising national debate over character and the public rethinking of the kind of people we really want to be. I am encouraged that politicians are focusing on values, even though they are far behind most Americans, who have been thinking about values for many months.

At the same time, every legislator is keenly aware of the inadequacies of legislation. As has been noted, in the end it is not the laws we pass that count but the lives we lead. In the home, in the workplace, in the classroom, and elsewhere, we must uphold the high standards and values we espouse. A combination of efforts—those of families, of schools, of local and national institutions—can complement and strengthen each other. In the words of the old proverb, "It takes a whole village to raise a child." Together, we can successfully reinforce in the next generation of Americans the common values we treasure. It is the most valuable legacy we can leave them.

GLENS FALLS, WARREN COUNTY MOURN LOSS OF COMMUNITY PILLAR NATHAN PROLLER

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. SOLOMON. Mr. Speaker, one of the business, political, and civic giants of my hometown of Glens Falls, NY, has passed away, and he will be sorely missed.

Nathan Proller was a former New York State senator and chairman of the Warren County Board of Supervisors. He was a legend in his own time, and I always looked up to him as a political mentor.

Born in 1901, Mr. Proller owned and operated his own insurance firm, Proller Agency, Inc., for 40 years in Glens Falls. Besides his stint as State senator and county supervisor, he also served as supervisor of the town of Lake Luzerne and with the State Lottery Commission.

He played a major role in the development of I–87, the Northway connecting New York City and Montreal, and was one of those responsible for routing this great highway through Glens Falls.

Mr. Proller was a member of Temple Beth El in Glens Falls and the Glens Falls Country Club, and also was active in the Benevolent and Protective Order of Elks Lodge 81. He was a 50-year member of the American Legion.

But above all, Mr. Speaker, Nathan Proller was a man of unblemished integrity and sterling character. Glens Falls and Warren County have lost a great man, and I have lost a friend.

I ask all Members to join me in a posthumous tribute to Nathan Proller, one of the finest servants I have ever known.

TRIBUTE TO BOB WEHLING

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. MANN. Mr. Speaker, I rise today to honor Bob Wehling, a distinguished gentleman who is one of Cincinnati's most respected advocates for children. The list of Bob's accomplishments and contributions to children is long and impressive.

Bob has volunteered for the United Way for three decades, raised more than $100,000 for the March of Dimes, helped open a children's defense fund office in Cincinnati, lead his area board of education, and taught Sunday school for 23 years. He is also a husband, father of six, and grandfather of six. This extensive list is incredible, even more so because volunteering is not his full time occupation. Bob is Proctor & Gamble's senior vice president of public affairs and president of a company philanthropic foundation that allocates $20 million annually.

I have personally appreciated Bob's advice and counsel over the years on many issues before the Congress and the city counsel. He has also been recognized by others for his achievements. He has been given many awards including the March of Dimes "Battered Boot" Award. This is an award that is given to indomitable volunteers at the March of Dimes.

In addition to all of these accomplishments Mr. Wehling served our country. In 1960, he took a leave of absence from work and served for 3 years in the U.S. Air Force Strategic Air Command.

Through all of his years of work on behalf of the children of Cincinnati, I commend him and look forward to many more years of valuable friendship and service to the community.

THOMAS EDWARD "PAPA" WILLIAMS, JR., CELEBRATES 100TH BIRTHDAY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mr. Thomas Edward "Papa" Williams, Jr., of Charleston, SC, who celebrated his 100th birthday on July 4, 1994.

Mr. Williams was born to Thomas and Julia Rivers Williams on July 4, 1894, in Dale, a small town in Beaufort County, SC. He was one of five sons and three daughters.

Mr. Williams, affectionately called Papa by his family and friends, currently lives in the Rosemont neighborhood of Charleston, where he has been a resident for 48 years. In 1929, he married Florence Rivers, who brought two children into the marriage, Rivers and Louise, and they had a daughter, Leila. Mrs. Williams was 93 when she died nearly 3 years ago. Mr. Williams has 16 grandchildren, 43 great-grandchildren, and 11 great-great-grandchildren.

Mr. Williams retired from Etiwan Fertilizer Co. in 1972 at the age of 78. Prior to his retirement, Mr. Williams also worked on local farms, with Atlantic Coastline Railroad in Waycross, GA, as a longshoreman at the Seabord airline dock and with Port Terminal.

Mr. Williams has been a member of Ebenezer African Methodist Episcopal Church for more than 65 years, where he serves as a leader and a steward.

Mr. Speaker, I wish to say happy birthday to a remarkable gentleman who credits his longevity to living a Christian life.

VIOLENCE AGAINST WOMEN ACT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mrs. SCHROEDER. Mr. Speaker, at least four women a day die at the hands of the individuals who supposedly love them the most. The criminal justice system, by its inaction, is an accessory to these crimes. Passage of the Violence Against Women Act will send the unequivocal message that police, prosecutors, and judges, the public can no longer cast aside domestic violence and stalking as personal problems.

COLORADO 1993

March 9, 1993: Michael, 33, committed suicide after breaking into estranged wife's trailer. Wife and children escaped through window.

March 11, 1993: John, 50, committed suicide after shooting Leslie, 48. John had a history of domestic violence.

March 29, 1993: Bruce, 38, committed suicide after traveling from several States away to shoot estranged wife Paulette, 48.

April 26, 1993: Donald, 62, committed suicide after shooting Edna, 64.

Society can no longer tolerate these crimes. In an effort to change the way that the criminal justice system and society approach domestic

violence the House and the Senate have included the Violence Against Women Act in the crime bill. Swift and strong congressional action on the Violence Against Women Act can provide abused women protection and communities with tools they need to punish and stop domestic violence. Act now to send the Violence Against Women Act to the President's desk.

TAX EXPENDITURES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, July 6, 1994, into the CONGRESSIONAL RECORD:

TAX EXPENDITURES

Policy debates in Congress continue to be dominated by efforts to reduce the federal budget deficit. Yet one area of the budget has received comparatively little systematic scrutiny from policymakers: the various tax breaks provided by Congress, known more formally as tax expenditures. They cost some $400 billion annually—which is more than all of domestic discretionary spending combined—and they are growing faster than entitlements.

OVERVIEW

Tax expenditures are the various provisions added to the tax code over the years that allow individuals and businesses to reduce their federal tax payments. They provide incentives for certain activities or relief for certain taxpayers. Currently there are more than 120 federal tax expenditures, ranging from the home mortgage deduction to tax breaks for oil drilling and historic preservation. They are called "tax expenditures" because they add to the budget deficit and address policy needs the same way that direct federal expenditures do. For example, both tax incentives and direct spending programs are aimed at improving housing availability. Tax expenditures function much like open-ended entitlements in that whoever meets the eligibility requirements is entitled to receive benefits, regardless of the cost to the government.

Many tax expenditures date back to the early 1900s when the federal income tax was being set up. The largest tax expenditures for individuals are for employer-paid pension contributions ($56 billion), employer-paid health insurance ($46 billion), and the home mortgage interest deduction ($44 billion). The largest tax expenditure for business is for accelerated depreciation ($19 billion). Almost half of the current $400 billion in annual revenue losses from tax expenditures stems from those enacted before 1920.

Many tax expenditures serve worthwhile purposes and enjoy broad public support, such as the home mortgage and charitable contribution deductions. Yet others have been called into question, such as those encouraging U.S. businesses to locate operations overseas, allowing income earned by foreigners on their U.S. investments to be tax-free, and providing various breaks for the wealthy—such as for million dollar homes, expensive vacation homes, and lavish business entertainment. When certain groups benefit from tax expenditures, everyone else has to pay higher taxes.

GAO REPORT

A recent report by the U.S. General Accounting Office, the watchdog agency for Congress, recommended that greater oversight be given to tax expenditures, for several reasons. First, they are costly and are growing rapidly. Since 1980, their cost to the federal treasury has almost doubled. Second, tax expenditures have the same fiscal impact of direct federal spending, but they are subject to much less congressional oversight. They do not compete in the annual budget process and most are not subject to periodic reauthorization. Third, once enacted, tax expenditures are rarely eliminated. Only 13 were eliminated between 1913 and the passage of the 1986 Tax Reform Act. Some still in existence today were set up for World War I purposes. Fourth, tax expenditures often disproportionately benefit higher income individuals. For example, the home mortgage deduction provides more benefits to someone buying a $1 million house than someone buying a $100,000 house, and many tax expenditures only benefit the ⅓ of Americans who itemize deductions on their taxes. Fifth, sometimes the same policy goal could be reached more efficiently and at lower cost through a direct spending program. GAO states, for example, that it would be much cheaper to pay interest subsidies directly to state and local governments than to continue to exempt state and local bonds from taxation. Finally, tax expenditures can distort business and financial decisions—as the tax breaks lead people to engage in activities they otherwise believe make little economic sense.

PROPOSALS

Currently tax expenditures are listed in federal budget documents for informational purposes, but they are not included in the formal budget process nor are they included in various congressional spending controls such as caps or sequestration. GAO recommended several steps to increase scrutiny of tax expenditures: improving public information about them; establishing a schedule for regular congressional review; tightening eligibility for various tax expenditures, such as by limiting benefits for upper income taxpayers; integrating them more fully into the congressional budget process; creating targets for tax expenditure savings; speeding up the study underway to measure the results and performance of tax expenditures; and jointly reviewing them in the budget along with spending programs with the same function.

ASSESSMENT

My view is that although major progress has been made on the deficit in recent years, much more needs to be done. As part of that effort it makes sense to try to ferret out wasteful government benefits and subsidies—no matter what the source. Past scrutiny of tax expenditures found and curbed some wasteful subsidies, such as those for football stadium skyboxes and business travel on luxury liners, and eliminated a variety of unproductive tax shelters. We should not blindly accept all current tax expenditures and put them totally beyond public scrutiny, as though Congress was somehow infallible when it passed out special tax breaks. Moreover, as deficit reduction proceeds, people may find it preferable, for example, to trim tax breaks for upper income taxpayers rather than cut back student loans or agricultural research.

A more systematic review of tax expenditures makes sense. The Joint Committee on the Organization of Congress, which I co-chaired, has recommended that the total cost of tax expenditures be listed in the congressional budget resolution and that all newly proposed tax expenditures be more clearly identified rather than hidden away in technical bill language. I also favor other steps such as requiring that the president's budget present tax expenditures alongside spending programs with the same function. As we review tax expenditures in a more comprehensive and systematic way, we may find that some are wasteful, inequitable, or unproductive. We may also find that some are working much better than we thought and need to be expanded. Thoroughly and regularly assessing tax expenditures is another way of making government work better and cost less.

TROOPER FOUNDATION OF NEW YORK PROSPERS UNDER DR. WILLIAM TRIGG III

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. SOLOMON. Mr. Speaker, I'd like to say a few words about an outstanding organization and its equally outstanding executive director.

Since its founding in 1984, the Trooper Foundation of the State of New York has provided over $1.3 million in financial support to the State Police for a variety of worthwhile programs. Since 1987, this outstanding organization has been under the able leadership of Dr. William C. Trigg III.

The Trooper Foundation has benefited underprivileged children under the State Police Summer Program and the McBear the Trooper Program for children in crisis situations. The first responder first aid case project outfitted every State police patrol vehicle with state-of-the-art first aid equipment. Other fine examples of the foundations' work include the Management Development Program, the Gray Rider Monument, and the Police Survivors Program. Also, the foundation has enabled the State Police to accept over $500,000 worth of services and equipment from the private sector.

Dr. Trigg has been a moving force in the success of the Trooper Foundation. After graduating summa cum laude from Thomas More College in Fort Mitchell, KY, he went on to earn an M.A. and Ph.D. from State University of New York at Albany. As a graduate student, Dr. Trigg received two research assistantships and a doctoral fellowship. He worked with the late Prof. William P. Brown at the school of criminal justice on a Federal grant entitled "Crime-Focused Policing."

In 1981, Dr. Trigg was awarded a fellowship with the New York State Senate, where he was assigned to the office of Senator Ralph J. Marino. In that capacity he assisted in a number of law enforcement legislative endeavors.

In 1984, Dr. Trigg joined the newly-formed Trooper Foundation, first as director of administration and research before his promotion to executive director.

He is also a founding director of the Community Services Center in Stillwater, NY, where he resides. He is the father of two daughters. He is also a member of the national society of fundraising executives. Dr.

Trigg has taught as an adjunct professor at the SUNY-Albany and at Russell Sage College.

Mr. Speaker, fine organizations are often the reflection of able leadership. That is what we have in the case of the Trooper Foundation and its executive director, Dr. William C. Trigg III. Please join me in saluting both the foundation and Dr. Trigg for all they have done.

TRIBUTE TO ANNMARIE TENN

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. ZELIFF. Mr. Speaker, I would like to take this opportunity to bring to attention the outstanding accomplishment of Ms. Annmarie Tenn. As a winner of the Voice of Democracy broadcast scriptwriting contest, she had made me very proud to be her representative. I am pleased to submit a copy of her speech to the CONGRESSIONAL RECORD on her behalf.

MY COMMITMENT TO AMERICA

"I pledge allegiance to the flag of the United States of America and to the republic for which it stands."

This is my commitment to America. Let my commitment be an example to all Americans. I have and will always have respect for that "Old glory flying high."

My commitment to America was tested when the Supreme Court controversially decided that the burning of the flag was legal. I cringed at that decision, but, as a citizen committed to America, I had the responsibility to support that decision even though I disagreed with it.

The Pledge of Allegiance is more than memorizing words—it is a challenge to live my life as a citizen committed to my country using those words of the pledge as a guidepost.

My commitment to America demands that I cultivate the qualities of character and personality that have a high value in society. I must assume an active part in government and in the community. It is my duty to help free the community from influences that weaken and degrade the lives of so many young people.

Commitment gives one such as myself, a youth living in troubled times, the ability to refuse drugs, violence, and crimes. I support my country by my every day decisions to turn away from what I know is wrong.

America, approaching the 21st Century, is at a crossroad as a nation. She is at a fateful decade of decision. Advancements in technology, the destruction of the family unit, the establishment of a world which, despite its size, has become a global village, confront the ethical and moral character of our country. There is a growing tide of permissiveness that is crushing our society from every side. We must begin to reverse the trend America finds herself in and reclaim our basic values.

Each generation of Americans, if it is equal to the task, rebuilds and regenerates the value system, reinterprets old values and opens the way to new values. This is my commitment to America.

The fundamental source of the law is the Constitution. I have the obligation and the duty to know and support it. In the words of Abraham Lincoln, "Let every man remember that to violate the law is to trample on the blood of his father * * * and his children's liberty."

Our Constitution calls us to a responsibility to form and establish, to secure and provide, to promote and ensure these same liberties which have been guaranteed by our founding fathers. The essence of our country is liberty, the substance of liberty is individual aspirations, individual responsibilities, and individual accountability. This is my commitment to America.

In our daily living we must establish the spirit and set the pattern for a kinder world. I must point the way to happiness through the path of service—making our communities a better place to live. I will take an active interest in government and public affairs. At school, through my commitment, concern, and involvement, I must stand up to the challenge to be counted on to work in student government. After our responsibilities to God and our families, our primary responsibility is that of an informed conscientious citizen. Besides voting, I must grasp the opportunities I have to participate and share in the immense power and wealth of America—just because I am a citizen. This is my commitment to America.

It is the duty of my generation to protect America's liberty. All of us must watch over and protect it. There is no promise or guarantee of a secure or happy future. Yet, if our own desire challenges us to bring meaning to our lives, we can do it. That is my commitment to America.

The future will be shaped by all, those who do and will believe in it. The challenge has been put forth to all to create a peaceful and just world. We must take hold of our own futures and create a better world in which to live. There is hope for mankind. This is my commitment to America. Thank you.

TRIBUTE TO DAVID R. CUNLIFFE

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. LEACH. Mr. Speaker, I rise today to pay tribute to David R. Cunliffe, a young diplomat with the new Zealand Embassy who will soon be taking a leave of absence from the foreign service to enter graduate school.

As the ranking Republican on the Subcommittee on Asia and the Pacific. I have probably had as much or more contact with the New Zealand Embassy as any in Washington. In this regard, I have come to know David Cunliffe as a young man with enormous energy, an impressive intellect, and clear leadership ability. His commitment to the highest ideals of public service is self-evident. So too is his conviction in New Zealand's distinguished diplomatic tradition of leadership through good global citizenship.

From a congressional perspective, David has also worked hard to maintain and bolster United States-New Zealand ties. Here it is worth observing that the signal bilateral development of recent years—the United States decision to restore high-level diplomatic dialog with New Zealand—came about under the leadership of Ambassador Dennis McLean and with the able assistance of a young political officer named David Cunliffe. No one should underestimate the persistence of effort that was required to help effectuate what otherwise should have been a commonsense change in U.S. policy perspective.

In closing, I would just note that few countries have been as well represented in Washington as New Zealand. Its very professional diplomatic corps, represented by the likes of David Cunliffe, is precisely the reason why. I could not commend any young man more highly. We bid David a fond farewell and wish him and his wife Karen the greatest success.

RECOGNITION OF VI LY'S ACCOMPLISHMENT

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mrs. VUCANOVICH. Mr. Speaker, it is with immense pride that I rise today to recognize the achievement of a young Nevadan. Vi Ly, of Sparks, NV, was recently named the State winner in the Voice of Democracy broadcast script writing contest. While Ms. Ly was born in Vietnam, she has exhibited a great love for democracy and the American way of life. I am proud to entrust the future of this great Nation to such enthusiastic, young Americans as Ms. Ly. It is my honor to submit her winning essay, entitled "My Commitment to America," to today's RECORD. I congratulate Ms. Ly on her achievement, and I wish her success in all future endeavors.

MY COMMITMENT TO AMERICA

(By Vi Ly)

Thomas Paine once said: "Those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it." Supporting freedom is supporting America. From the first framers of the Constitution to the last soldier whose name appears on the Vietnam Memorial, a genuine commitment has been made. Now the baton has reached our hands from generations of committed men and women who have carried it through war and peace and it is our chance to take it over and beyond the finish line. Whether it touches one person or a hundred people, my commitment is to do my part in conserving, improving, and believing in America.

Freedom and democracy. The men and women who fought for it know that it is not easily won, but rather easily lost. I believe in saving and preserving it for future generations; not to spoil the true meaning of freedom, which is the liberty to exercise, not to desecrate, or natural human rights—freedom of speech, freedom of religion, and freedom of the vote. Children in the future should be given a chance to experience the power of a country ruled by the people. I am committed to supporting the conversation and preservation of freedom and democracy in America for a future that will someday become a present.

I believe that the improvement of America and society comes as the result of the development of people's heedful and healthy habits through the mind, and what better way is there to improve a mind than education? Committing myself to achieving my high school and college diploma not only fulfills a personal appetite for achievement, but it can also affect the nation in a direct and definite way, by me giving back to society the

knowledge that I have gained. Knowledge that might someday provide all Americans with health care; knowledge that might someday help one person across the room, or many people across the United States.

I am just a single person in a population of millions, but I don't believe in hiding behind numbers; one is still one. Have faith in the commitment of one person because it is the sole individuals who make up a group, a community, a nation. Without the contribution of one person we may be without a Gettysburg Address, without a cure for polio, without the same face on the dollar bill.

Edward Hale put it best when he said: "I am only one, but still I am one. I cannot do everything, but I can still do something: and because I cannot do everything I will not refuse to do the something that I can do."

On every page of the Bill of Rights, of every song from America the Beautiful to The Star Spangled Banner, behind every general from Lee to Grant, shines a commitment "of the people, by the people, for the people," and as a part of this nation, I too have a claim to revere and contribute to it. From a pledge of preservation to a goal of graduation I am willingly committed to at least doing this part that I am capable of doing. It doesn't matter if I am tall or short, big or small, black or white, my individual pledge means just one more hand in a tug-of-war, one more rung on the ladder of knowledge, one more voice of democracy.

HONORING NATIONAL SHOE REPAIR AWARENESS WEEK

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. HINCHEY. Mr. Speaker, I would like to bring to the attention of this Chamber the designation by way of Presidential proclamation, Shoe Repair Awareness Week. Ms. Antoinette Knable, owner of Shoe Systems Plus, Inc., of Campbell Hall, NY, has been a great help in trying to establish this designation.

This event serves as an impetus to all aspects of the shoe industry to work together to provide the American public with the many benefits derived from shoe repair. Now, the shoe repair industry will be able to educate the public to the health, ecological, and economic advantages of shoe repair. By creating such a designation within the industry, it will help to promote an industry that many small business owners depend upon for their livelihood and raise shoe repair quality levels to that of Europe, the leader in the field of shoe repair.

The likelihood of this program having such an impact on the American public is both exciting and commendable. Mr. Speaker, I ask that this Congress assembled today join the people of the Hudson Valley who have made this designation possible.

IONE KENDALL CELEBRATES 100TH BIRTHDAY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mrs. Ione Kendall, of Florence, SC, who celebrated her 100th birthday on June 18, 1994.

Mrs. Kendall was born on June 18, 1894, in Waco, TX, the daughter of George Brisco and Sally Wortham. She was one of eight children and grew up on a ranch, where her father raised horses and cows and grew corn and cotton.

Mrs. Kendall's father joined the Confederate Army near the end of the Civil War, which establishes her as an original Daughter of the Confederacy. She continues to be an active member of the Ellison Capers Chapter of the United Daughters of the Confederacy and the Samuel Bacot Chapter of the Daughters of the Revolution.

She attended Baylor University and worked for the Internal Revenue Service in Washington, DC, before moving back home to Waco to teach school. She married Jim Kendall of North Carolina on February 25, 1921, and the couple moved to Florence, where Mrs. Kendall joined Central United Methodist Church. She taught Sunday school at Central for many years and continues her membership there.

Mrs. Kendall and her husband had four children. She has five grandchildren and four great-grandchildren.

Mr. Speaker, please join me in wishing a happy 100th birthday to a remarkable woman who credits her longevity to living a good life and keeping active.

GLENS FALLS AREA MOURNS PASSING OF CORRESPONDENT JOAN PATTON

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. SOLOMON. Mr. Speaker, the Glens Falls, NY, area I represent and call home is mourning the loss of a great lady, Joan Patton.

She was a woman who's character and intelligence were evident to all who knew her. I could go on at great length, but the Glens Falls Post-Star, a newspaper she graced with her pieces as a correspondent, said it perfectly in a recent editorial.

I enter that editorial in today's RECORD, and invite all Members to join me in conveying our condolences to Joan Patton's grieving family.

[From the Glens Falls, NY, Post-Star, June 26, 1994]

THE LOSS OF A GREAT PERSON

This community has lost a wonderful citizen and enthusiastic chronicler of our past and present, Joan Patton died Friday after a long, valiant fight against cancer. We are saddened, as are so many who knew her.

Feisty, intelligent, cheerful, direct and courageous, Joan was handed more than her fair share of life's adversities, and she bore them with grace and good humor.

We knew her as a correspondent for the Post-Star, an avocation she took up late in life.

In her last days at Glens Falls Hospital, she talked about the joy she had received from her sojourn in journalism. It was an interest she sort of fell into late in life and pursued with enthusiasm and exactitude. She was told how much pleasure she had brought to readers, especially those interested in historical sketches of the area. "I think what makes me pretty good at it is I don't know how to do it," she replied with characteristic candor. "I'm just curious."

Even up, to the end, she took her reporting and writing seriously, enjoying it and using it to keep busy and her mind off cancer. About three weeks ago, as she lay in her hospital bed, she expressed concern that she had not finished a historical piece on Solomon Northrup, who was born a free black man in northern New York before the Civil War and was kidnapped and cast into slavery for 12 years.

This editor, feigning a scolding tone, told her he wanted the story on his desk in three weeks. She laughed. A few days later, she had her husband, Fred, turn in her laptop computer which she had used for many years to send us stories from her home. It was a signal that she was about to bid us adieu. But along with the machine was a hard copy of the piece or Northrup, not complete as she had wanted, but a nice, well-written tale nonetheless. We printed it two Sundays ago.

Joan kept her personal feelings out of her stories, even an account, never published, of her own experience with cancer. She wrote that article matter-of-factly, explaining that when she underwent breast surgery, "I didn't feel devastated, or angry. From who knows what source, a positive attitude welled up which continues to sustain me to this day." She told how she was waiting to be wheeled into the operating room and the nurses looked solemn, "and I said, 'Smile.' "

That was about as close as Joan would come to revealing her personal feelings to the public.

"She has no guile," Fred noted recently. She always spoke plainly, but without malice or prejudice. Mincing no words, Joan told editors such as this one when she thought he or the paper had gone astray. There were no pretenses.

Joan grew as a journalist and a writer through the years, noticeably in the last couple of years. But we appreciated even more her great character, her wry sense of humor and her valor. As a fine human being, she set the standard.

She truly will be missed by those who knew her, including those who knew her only through her writing.

REINVENTING AID—A YEAR'S ACCOMPLISHMENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. HAMILTON. Mr. Speaker, when Brian Atwood assumed the position of Administrator of the Agency for International Development, he offered AID as a test case for reinventing government and pledged to revitalize the agency. In a July 1 letter Administrator Atwood

identified the steps which he has taken to implement that commitment. As he notes, it will take at least 2 years to make the necessary changes. I am hopeful that in that period the Congress will do its part by enacting a new foreign assistance statute.

I commend Mr. Atwood for moving aggressively to reinvent AID. The portions of the letter which detail the steps which have been taken are reprinted below:

U.S. AGENCY FOR
INTERNATIONAL DEVELOPMENT,
Washington, DC, July 1, 1994.

Hon. LEE HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This has been a productive and challenging year at the U.S. Agency for International Development (USAID). We have taken significant steps to create a national development agency that is participatory, efficient and able to advance America's interests abroad.

During the past year, all of us at USAID have devoted ourselves to instituting the innovations which have allowed the agency to more effectively harness the talents of its first-class workforce. The Clinton Administration has made substantial progress toward creating a results-oriented development agency of which the Congress and the American people can be proud.

For example, since May 1993 we have:

Articulated a new strategic agenda based on five interrelated objectives—protecting the environment, building democracy, stabilizing world population growth and protecting human health, encouraging broad-based economic growth, and providing humanitarian assistance and aiding post-crisis transitions.

Submitted to Congress a new legislative charter for American foreign assistance that would replace the 1961 Foreign Assistance Act and would give USAID the focused mandate and specific tools we will need to respond to the demands of the post-Cold War world.

Announced the close-out of 23 overseas missions over the next three years in order to concentrate our resources in countries where the need is greatest and where we can establish productive partnerships with host governments.

Established for every country in which we operate a timetable for how long we should be involved there and committed the Agency, its bureaus and its overseas missions to achieving specific measurable results.

Established USAID as a reinvention lab in Vice President Gore's Reinventing Government Program.

Created an Agency-wide Quality Council to involve employees in the process of revitalizing USAID.

Completed an agency-wide reorganization and "right-sizing" effort that will simplify and streamline the Agency.

Introduced broad procurement reforms designed both to streamline the process and to open USAID's procurement to a wider variety of bidders throughout America.

Initiated an effort to reengineer our project design and implementation processes to reduce sharply the time required to move ideas into the field.

Developed a framework to unify USAID's multiple personnel systems.

Initiated a major overhaul of USAID's financial management systems.

Introduced important new information technology to strengthen decisionmaking, improve coordination with our overseas posts and increase productivity.

We have made many tough choices. Much progress has been made, but it would be disingenuous to lead you to believe that we are close to the finish line. As I have said many times, it will be at least two years before USAID is truly a reinvented agency.

If the momentum of our reforms is to be sustained, your continued assistance, ideas, and partnership will be critical. I hope you agree that we are moving in the right direction, and look forward to continued consultation with you and your staff as we work for passage of the Peace, Prosperity and Democracy Act of 1994 and continue our reform efforts.

Sincerely,

J. BRIAN ATWOOD.

TRIBUTE TO THELMA SIBLEY

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. CARR of Michigan. Mr. Speaker, I rise today to pay tribute to the exceptional activism of Mrs. Thelma Sibley, a woman who has suffered tragic loss in the death of her 5-year-old daughter Nancy, but who has turned her grief into action.

In early January of this year, Nancy Sibley strangled after the drawstring on her coat caught on the spiral slide at her elementary school's playground in Ann Arbor, MI. She died the next day. Since then, her mother's campaign to require manufacturers to stop making drawstrings and other strangulation hazards on children's clothing has garnered the support of over 7,400 petitioners, across six States: Michigan, Ohio, Wisconsin, Nebraska, Florida, and Texas. Included with the signatures that she sent to First Lady Hillary Rodham Clinton and Mrs. Tipper Gore was seven pounds of drawstrings cut from children's clothing by parents of small children.

Nancy Sibley's tragic death and her mother's resulting activism have reached the U.S. Consumer Product Safety Commission [CPSC], where a major cooperative effort with manufacturers and retailers to remove drawstrings from children's clothing was announced on July 7.

Today, in expressing my admiration and respect for the activism of Thelma Sibley, I also want to join her in warning parents across the Nation of the hazards of loose strings on children's clothing. The CPSC recommends removing the strings immediately, and I urge parents of small children to do so. Thank you.

TRIBUTE TO CISSIE SWIG, DIRECTOR, ART IN EMBASSIES PROGRAM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. LANTOS. Mr. Speaker, yesterday I had the great honor and pleasure to attend the swearing in of Roselyne Chroman "Cissie" Swig as the Director of the Arts in Embassies Program for the Department of State. Cissie is a dear friend of mine whom I have known for many years. President Clinton and Secretary Christopher could not have made a better choice for this important position.

Cissie will represent all of us well by displaying the best in American art in our embassies around the world. The program that she will direct assembles works of American art from private lenders and the Department of State's permanent collection for display at embassies worldwide. The impression of our country and our people that many foreigners receive is based on the looks of our embassies and official residences abroad. Cissie will make an important contribution to the image our Nation conveys in this position.

Prior to taking up her duties at the Department of State, Mrs. Swig served as president and founder of her own art consulting firm in San Francisco. For 16 years she has played a pivotal role in the art community as a businesswoman, advisor, advocate, teacher, and collector.

In addition to her professional responsibilities, Mrs. Swig has served with distinction in a number of key positions in the arts and business communities: board member, American Council for the Arts; board member, San Francisco Museum of Modern Art; chairman of the board, trustees of the San Francisco Art Institute; president, University Art Museum of Berkeley; member, international board of governors of the Tel-Aviv Museum of Art; local programs panel member, National Endowment for the Arts; board member, San Francisco Economic Development Corp.; and board member, Opportunity Capital Corp.

Cissie Swig has written numerous articles on the arts, leadership, public/private partnerships, volunteerism and the social welfare community. She attended the University of California at Berkeley as an undergraduate and has been awarded honorary masters and doctorate of fine arts degrees from the San Francisco Art Institute.

Mrs. Swig brings 30 years of experience in the arts, business, development, and political activism to the Art in Embassies Program. In addition to a deep commitment to encouraging the arts in our country, she has a natural enthusiasm, and understanding and respect for the program's objectives, and art experience at the local, national, and international levels.

Mrs. Swig is the wife of my dear friend, Richard L. Swig, the chairman of the Fairmount Hotel Co. in San Francisco. They have four children and nine grandchildren.

ANAKTUVUK PASS LAND EXCHANGE AND WILDERNESS REDESIGNATION ACT OF 1994

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased today to introduce the Anaktuvuk Pass Land Exchange and Wilderness Redesignation Act of 1994. When enacted, this legislation will ratify an agreement to settle a long-standing and difficult dispute between the National Park Service and Alaska Native landowners over the use of all-terrain vehicles—or

ATV's—for access for subsistence purposes in Gates of the Arctic National Park and Preserve.

The residents of Anaktuvuk Pass and the National Park Service have had a longstanding dispute over the use by village residents of certain ATV's for subsistence purposes on national park and wilderness lands adjacent to the village. In an effort to resolve this conflict, Arctic Slope Regional Corporation—the regional corporation established by the Inupiat Eskimo people of Alaska's North Slope under the provisions of the Alaska Native Claims Settlement Act [ANCSA], Nunamiut Corporation—the Anaktuvuk Pass ANCSA Village Corporation—the city of Anaktuvuk Pass and the National Park Service have entered into an innovative agreement both guaranteeing dispersed ATV access on specific tracts of park land and limiting development of Native land in the area. The agreement will limit the types of ATV's allowed and will also lead to enhanced recreational opportunities by improving public access across Native lands.

The village of Anaktuvuk Pass is located on the North Slope of Alaska in the remote Brooks Mountain Range, completely within the boundary of and surrounded by the Gates of the Arctic National Park and Preserve. Village residents have long relied upon the use of ATV's for summer access to subsistence resources, primarily caribou, on certain of these nearby park, and park wilderness lands. As there are no rivers near the community for motorboat access to park lands, ATV's provide the primary means by which to reach and transport game in the summer. The only alternative to ATV use is to walk. Snowmobiles are the primary mode of transportation for subsistence activity in the winter.

With the passage of the Alaska National Interest Lands Conservation Act [ANILCA] in 1980, Congress expressly reserved the rights of rural Alaska residents to continued, reasonable access to subsistence resources on public lands, by providing in section 811(a) of the act that, "rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on public lands." Section 811(b) of ANILCA provides further that "the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation." The National Park Service and the Native landowners disagree about whether ATV's are "other means of surface transportation traditionally employed" for subsistence purposes in Gates of the Arctic National Park and Preserve. But there is no dispute that ATV's are necessary for the summertime subsistence activities of the residents of Anaktuvuk Pass.

Following several years of discussions, the Native landowners and the National Park Service have reached an agreement which will finally resolved the ATV controversy on the public lands surrounding Anaktuvuk Pass. In April 1992, the Park Service issued a final legislative environmental impact statement embracing the proposed agreement, and in November 1992, the Secretary of the Interior endorsed the agreement in a Record of Decision. The parties executed the agreement on December 17, 1992.

The parties have since executed two technical amendments to the original agreement.

The agreement involves an exchange of land and interests in lands between the Native landowners and the Park Service. Specifically, the Federal Government will convey in fee approximately 30,642 acres of park land to Arctic Slope Regional Corporation and Nunamiut Corporation. On the Federal land conveyed to the Native corporations, the National Park Service will reserve surface and subsurface access and development rights as well as broad public access easements. In addition, certain nonwilderness areas of federally owned park land will be opened up to dispersed ATV use. In return, the Native landowners will convey to the Federal Government approximately 38,840 acres in fee for inclusion in both the national park and national wilderness systems. Native landowners will also convey to the Park Service additional surface and subsurface development rights on 86,307 acres as well as a series of conservation, scenic, and public access easements on other Native-owned lands within the boundaries of Gates of the Arctic National Park and Preserve. Finally, the city of Anaktuvuk Pass will convey a city lot to the National Park Service for administrative purposes.

Congressional ratification of this agreement will be required in order to remove 73,993 acres of Federal land from the National Wilderness Preservation System, as well as to designate approximately 56,825 acres of other park and presently Native-owned lands as new National Wilderness. If ratified by Congress, the agreement will expressly authorize dispersed ATV use on certain lands within the park boundary. Without congressional approval, the agreement will become null and void, and none of the conveyances or creation of easements proposed by the agreement will occur.

It is intended that this agreement will resolve the longstanding dispute over subsistence use of ATV's only on public lands in and around Anaktuvuk Pass. It is important to note that neither this agreement nor the accompanying Federal legislation will diminish, or otherwise affect in any way, anyone's rights and privileges to access public lands in Alaska for subsistence purposes. This agreement does not confirm or deny that ATV access to public lands for subsistence use is a statutorily protected traditional access right under ANILCA, and consequently, this agreement does not purport to resolve this issue.

TRIBUTE TO PREEYA NORONHA

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. WELDON. Mr. Speaker, I rise today to congratulate my constituent, Preeya Noronha, a senior at the Academy of Notre Dame De Namur in Villanova, who recently received first place in the Pennsylvania competition of the National Peace Essay contest.

As our Nation's leading newspapers report daily on the continuing turmoil abroad, it is important for our youth to understand the critical role the United States plays in world peace. Since launching the National Peace Essay contest in 1987, the U.S. Institute of Peace has encouraged students across the country to actively discuss the international peace process.

The contestants were asked this year to examine the role of the United Nations in peacekeeping, and assess whether or not the United Nations should intervene in internal conflicts. For the RECORD, I submit Preeya's award-winning essay, "The Need for an Interventionist United Nations."

In conclusion, I commend Preeya and her fellow essay contestants who have dedicated their energy toward comprehending the magnitude of international peace.

THE NEED FOR AN INTERVENTIONIST UNITED NATIONS

In the midst of the Civil War Abraham Lincoln said that "the dogmas of the quiet past are inadequate to the stormy present. We must think anew and act anew."[1] With the end of the Cold War, a barrier which has prevented the United Nations from reaching its ultimate potential has fallen. We are now living in a new world order, and our actions and attitudes must adjust accordingly. To effectively face the challenges of this contemporary era, countries should shed the hindrance of national sovereignty and undertake a policy of collective security and multilateralism through an interventionist United Nations, a policy in which one nation's concern is every nation's concern.

The idea of institutionalizing collective security was first advocated by President Woodrow Wilson. His vision took the form of the League of Nations, yet ironically, Wilson's own country did not agree with his notion of post-World War I world supervision. Isolationism once again enveloped American foreign policy and Congress refused to join the League. Undoubtedly, Wilson's concept failed, and the evils of national sovereignty, evident in the world's indifference toward the 1930s maneuvers of Adolf Hitler, spawned our Second World War.

The lessons of World War II prompted the global community to create an collective institution "to maintain international peace and security," and the United Nations was born. However, despite the emphasis on "collective measures" in the U.N. Charter, the basis of the document is national sovereignty.[2] The U.N. is in fact an association of diverse independent States and can do only what its members have ascribed it to do. Yet practicality in our modern environment demands that we discard the notion of individual autonomy and adopt multilateralism as the sole protector of "better standards of life in larger freedom." The influence of national supremacy is particularly evident in Article Two of the U.N. Charter, which claims that "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State." However in principle and in practice, Article 1 has taken precedence over this clause. In order "to maintain international peace and security" and "take effective collective measures for the prevention and removal of threats to the peace," oftentimes it is essential to intervene in conflicts under domestic jurisdiction. Secretary-General Boutros-Ghali has said that "the misuse of state sovereignty may jeopardize a peaceful global life. Civil

*Footnotes at end of article.

wars are no longer civil, and the carnage they inflict will not let the world remain indifferent."[3] In addition, Article 2 itself allows this intervention by concluding, "but this principle shall not prejudice the application of enforcement measures under Chapter VII."

There are several justifications for external intervention in civil strife. Besides the direct involvement of neighboring countries militarily, an increasing problem concerning internal conflict is the effect of refugees on those nations. The refugee crisis is greatest in Africa, where unrest in Somalia, Sudan, Uganda, Rwanda, Mozambique, and Angola have prompted millions of citizens to flee to other African nations. Streams of refugees present an immense quandary to those countries that permit them to enter, destabilizing them politically, economically, and ethnically. Moreover, the displaced are forced to inhabit refugee camps, often maintained in deplorable conditions. In short, domestic strife usually negatively affects surrounding countries, and consequently is a concern of global status.

Another consideration that warrants an interventionist United Nations is that of human rights. Boris Yeltsin said that human rights "are not an internal matter of States, but rather obligations under the U.N. Charter" and that the Security Council has a "collective responsibility for the protection of human rights and freedoms."[4] A recent example of this preservation is the precedent set within U.N. Resolution 688, which argued that the situation with the Kurdish refugees threatened international stability, even though external military intervention was used to prevent Iraq from oppressing its own citizens in its own territory.[5] Humanitarian assistance is a moral commitment in the world today and a legitimate reason for intervention, even in domestic affairs. "Today sovereignty must meet its limits in the responsibility of States for mankind as a whole * * * When human rights are trampled underfoot, the family of nations is not confined to the role of spectator * * * It must intervene."[6]

Ultimately, the question is not whether the United Nations should intervene in domestic affairs, but how. Common methods of arbitration in recent conflicts have taken the form of humanitarian assistance, the monitoring of elections, temporary governmental administration, and the repatriation of refugees. Economic sanctions, though widely used, are not always efficient. Currently employed in both Iraq and Haiti in efforts to oust governing bodies, sanctions have resulted in only an outbreak of cholera due to poor sewage treatment in Iraq and an upsurge of Haitian refugees to the United States. Consequently, peacekeeping, and now, peacemaking, are viewed as more competent methods of intervention.

Originally, the creators of the U.N. intended to have an armed force for "maintaining international peace and security," but this clause of Chapter VII of the Charter has been replaced with peacekeeping. "The vision of the U.N. was downsized from world policeman to volunteer fire brigade."[7] The Blue Helmets, the beacon United Nations peacekeeping force, may only use their light weapons in self-defense. Yet in today's post-Cold War conditions, peacekeeping alone does not seem to fulfill the Charter's goals.

The conflicts in Korea and the Persian Gulf, although commonly referred to as "U.N. operations," were under the control of the United States. The current domestic strife in Somalia, however, has set a true precedent for the use of force in U.N. operations. After humanitarian efforts proved futile, the United Nations authorized its members to use "all necessary means" to ensure that aid is available to the victims of the civil unrest in Somalia. In Yugoslavia, as negotiations are unavailing, it seems that the only method of halting the "ethnic cleansing" and other aggression is the use of force. This full-scale intervention truly fulfills the original intentions of the creators of the United Nations: "to save succeeding generations from the scourge of war which twice in our lifetime has brought untold sorrow to mankind" at any cost, because conflict anywhere is a danger to peace everywhere.

This purpose also insists the need for preventive deployment of forces in areas of potential unrest. Boutros-Ghali claims that "Peace-keeping is a technique that expands the possibilities for both the prevention of conflict and the making of peace."[8] The Security Council has also supported preventive deployment on a case-by-case basis in zones of instability and political crisis.[9] In fact, several tragic instances in history could have been avoided if the United Nations responded quickly and in a preventive fashion. For example, after the SWAPO troops invaded Namibia, the South African-led Namibian Security forces were compelled to retaliate. If the United Nations had reacted more quickly to the situation, a bloody period in Namibian history could possibly have been avoided.[10] History's lessons are being heeded, as the first preventive operation in the chronicle of U.N. peace-keeping was just recently deployed in the former Yugoslav Republic of Macedonia. In short, a more creative balance needs to be struck among humanitarian action, diplomatic initiative, and military pressure, anticipating problems before they become more difficult to resolve.

The central argument against a highly interventionist United Nations is that there are simply not enough resources and too much bureaucracy to effectively deal with global situations. The U.N. system remains a highly decentralized body consisting not only of the Secretariat, Security Council, and General Assembly, which deal with political and security issues, but also of sixteen specialized agencies, which are budgeted and run independently of the central organization. Peace-keeping missions are run on an "ad hoc" basic, which cause conflicts to become more tense, (and therefore more difficult to resolve,) by the time the U.N. is able to become involved. Another problem is the lack of resources, including finances, personnel, and equipment. Consequently, in order for the United Nations to ideally fulfill the intentions of its creators, reforms must be conducted. Although there is increased consensus due to the end of East-West tensions, the hierarchy must be restructured, including widening the elitist Security Council and abandoning the single veto power. The entire system should be centralized to reduce costs and minimize waste. Finally, as the Charter originally intended, the United Nations should have a standing military force composed from its member countries to effectively and quickly handle dangers to global peace and harmony.[11]

The needs of our global community require an interventionist collective institution "to maintain international peace and security." To achieve this end, it is often necessary to arbitrate a domestic conflict through the use of force. The United Nations must rise to the challenge of this new and dynamic era, and ensure humanity that freedom, justice, equality, and peace "will not perish from the face of the earth."[12]

FOOTNOTES

[1] John Logue. "The New U.N. Charter Approach for Achieving World Federation." A New World Order, Can It Bring Security to the World's People? Washington, DC: World Federalist Association, September 1991: 113.

[2] Elsa B. Endrst. "A Look Back . . . The U.N. at 45." U.N. Chronicle, March 1991: 41.

[3] Tad Daley. "Can the U.N. Stretch to Fit Its Future?" Bulletin of the Atomic Scientists, April 1992: 38.

[4] Ibid., 40.

[5] Ibid., 40.

[6] Ibid., 41.

[7] Michael G. Renner. "A Force for Peace." World Watch, July/August 1992: 28.

[8] "U.N. operations: Not only expanding, but breaking new ground." U.N. Chronicle, September 1991: 45.

[9] "The 38th Floor; Security Council Concludes 'Agenda For Peace' Meetings." U.N. Chronicle, September 1993: 3.

[10] Kathryn Damm. "Global Security: Should There Be a Standing United Nations Police Force? Or a United Nations Peacekeeping Reserve?" A New World Order, Can It Bring Security to the World's People? September 1991: 8.

[11] "The 14-Point Program to Reform and Restructure the U.N. System." Washington DC: Campaign for U.N. Reform, February 1992.

[12] Abraham Lincoln. "The Gettysburg Address." postcard (Washington DC: National Parks and Historical Monuments Association; 1992).

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SALUTE TO LEON P. KLEMENTOWICZ, GRAND MARSHAL OF THE 1994 PULASKI PARADE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to salute Leon P. Klementowicz, a special constituent of mine, who has played an extremely active part in improving the lives of all New Yorkers. This year is particularly special as Mr. Klementowicz serves as grand marshal of the 1994 Pulaski parade.

Born to immigrant parents in the Bronx, NY, Leon Klementowicz was an active participant of the St. Adalbert's parish. After finishing high school he was drafted into the U.S. Army during World War II. He served as a combat sergeant in the 3d Infantry Division, serving in Italy, France, Germany, and ending his tour in Austria. Mr. Klementowicz received the Silver Star, the Bronze Star, and the Combat Infantry Badge.

After the war he returned home and married Irene Nieminski. Today he is the proud father of three daughters, one son, and the grandfather of three grandchildren. In 1958 Mr. Klementowicz purchased the John Smolenski Funeral Home in Greenpoint, Brooklyn. He, along with his wife Irene, have been active members of the Greenpoint community ever since.

He is a trustee of the Sts. Cyril and Methodius parish, and member of several organizations, including the Veteran's of Foreign Wars, the American Legion, the Polish Legion of American Veterans, and Smolenski Democratic Club. In addition, Mr. Klementowicz is a director of the Polish and Slavic Center, which boasts over 30,000 members. He is also a member of the Pulaski Business and Professional Men, where he was honored as their Man of the Year. He has been so active in efforts to assist newly arrived Polish immigrants in adjusting to life in the United States that he has received a medal from the Polish Government.

Participating in his first Pulaski parade in 1938, Mr. Klementowicz has been an active member of the Pulaski parade committee for over 35 years. He has been in charge of the parade Mass in St. Patrick's Cathedral and has been active as one of the parade's directors for many years.

In assisting the Greenpoint parade committee, he has helped to make the Greenpoint contingent one of the most active and well prepared groups in the parade. I am confident that with Mr. Klementowicz as grand marshal, this year's Pulaski parade will be one of the best parades ever held.

KIMBERLY TUPA—VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAMS' NORTH DAKOTA WINNER

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. POMEROY. Mr. Speaker, I would like to submit the following essay written by Ms. Kimberly Tupa, a high school student in Bismarck, ND. Each year students from around the United States participate in the Voice of Democracy Scholarship Program essay contest sponsored by ladies auxiliary of the Veterans of Foreign Wars. Kimberly, selected as the North Dakota State winner, was named the fifteenth place national winner and received the $1,500 Department of Missouri and Ladies Auxiliary Scholarship Award, I would like to share her thoughts on "My Commitment to America" with my colleagues, to reinforce our young people's dedication to preserving America and its liberties.

MY COMMITMENT TO AMERICA

(By Kimberly Tupa)

Commitment. In the frenzy of the world today, people cringe when they hear the dreaded word, commitment. We're all guilty of this. We seem to dream up the most amazing excuses to avoid volunteering our time and efforts to help others.

I believe I've heard almost every excuse imaginable, and I must confess, I've depended on some of the same excuses myself. "I don't have time," or "Why should I, no one else does?" I had a very narrow-minded, selfish point of view, until one evening during dinner when I began to see the light. As usual, my family was involved in yet another lively conversation, the downfall of America. What had happened to the sense of duty to others and the nation? Morality, ethics, patriotism, where had they gone?

Hours later, still pondering over my family's lengthy and animated discussion, I was suddenly struck with a sense of dread. What was my duty to America? Horrified, I realized I had become the type of person I detested. My country had given me so much. Yet, what did I give back? At that moment, I examined the other members of my family. What had they contributed?

My father, having served in the military for three years, became a role model for my oldest brother Mark. Belonging to the Air Force Reserve Officers Training Corps, Mark attends college on a full-ride scholarship. After graduation, he will fulfill a four-year obligation in the Air Force. Mark is extremely proud to serve and defend his country. He feels privileged having been given the opportunity to belong to the Armed Forces.

My mom, an elementary teacher, is committed in an altogether different way, teaching and preparing the future leaders of America. She cherishes every moment she spends in the classroom with her students. Likewise Ken, another older brother whom I greatly admire, intends to become an English teacher with the hope of giving back to society what society has given to him.

For years, I had believed my family contributed an extremely insignificant amount to society. How wrong I was! Where then did this leave me? What could I contribute? That momentous evening, with my family gathered around the diner table, I finally realized my commitment to America. I believe the key to commitment is community involvement. For two years I have been involved in Special Olympics, coaching soccer. Looking on as my team enthusiastically accepted their bronze medal this year, I felt pride and contentment. I had never dreamed that I would be the one to benefit. The athletes made me more aware of the importance of patience, compassion, generosity, and maturity.

Every week I also visit the students in my mom's classroom. For half an hour I present Spanish to the children, awed at how quickly and eagerly they grasp the new knowledge. I first began this practice four years ago, but at that time I only taught the children for one day. As soon as I noticed their fervor for the language I decided to come for regular visits, one day each week

I spent an entire day each year, for three consecutive years, scooping ice cream at a festival specifically for children. Even when my wrists were so stiff I couldn't move them. I experienced an amazing feeling of satisfaction. Despite the fact that I am donating my own time, I am the better citizen for it. My reward, my payment, is the smile I witness on every child's face as they gulp down their ice cream, the hug I share with each Special Olympic athlete.

A major portion of my contribution to America is donating time to these community projects. My ultimate goal, however, is to obtain college degrees in both Biochemistry/Molecular Biology and Spanish. With this training, I hope to devote my time to research. My lifelong wish is to discover cures to those diseases which plague hundreds of thousands of people today. Although to many a seemingly unattainable goal to reach, I believe with determination my efforts won't be futile.

As Edward Everett Hale once said, "I am only one, but still I am one. I cannot do everything, but still I can do something; and because I cannot do everything, I will not refuse to do the something that I can do."

WILLIAM JEFFERSON RETIRES AFTER 44 YEARS IN EDUCATION

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to William Jefferson, who retired June 30, 1994, after serving 30 years in Lee County schools, and a total of 44 years in education.

Mr. Jefferson is retired assistant superintendent for personnel and instruction for Lee County schools, a post he held since 1985.

Mr. Jefferson, who is 64 years old, began his career as a high school math and science teacher in Andrews, SC, in 1950. He was drafted into the Army a year later and served as an education specialist in Germany. He returned to the United States in 1953 and was a teaching principal in Williamsburg, SC.

In 1954, Mr. Jefferson went to Sumter School District 2, where he served as a teacher and assistant principal. He later moved to Lee County and accepted the position of principal of Dennis High School in 1964. A year later, a court ordered Lee County schools to integrate.

Mr. Jefferson became principal of the newly integrated Bishopville Middle School in 1970

and became principal of Mount Pleasant High School in 1977. Mr. Jefferson lists as one of his accomplishments the accreditation of Mount Pleasant High School by the Southern Association of Colleges and Schools, the first school in the district to receive this distinction.

Mr. Speaker, Mr. Jefferson began his career in the Lee County schools at the onset of the integration movement in that county, and deserves recognition for his professionalism in peacefully guiding students, parents, and teachers through what could have been a turbulent transition.

Countless students have no doubt benefited from Mr. Jeffersons' over four decades of experience, and I am sure the Lee County school system will join me in commending Mr. Jefferson for his many years of outstanding service.

VERNON N. GREEN RETIRES AFTER DECADES OF OUTSTANDING LEGAL COUNSEL

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. SOLOMON. Mr. Speaker, the village of South Glens Falls and the town of Moreau are located in the middle of the lengthy 22d Congressional District I have the privilege of representing. For more than 30 years, those two municipalities have been ably served by the legal counsel of Vernon N. Green, who is now retiring.

Mr. Speaker, never was it more appropriate to say that a person's shoes will not easily be filled. Everyone in this Chamber understands that you cannot serve the public in any important capacity for several decades without earning a reputation for integrity, wisdom, and professionalism. Those qualities certainly describe Vernon Green.

Mr. Green graduated from the Albany Law School in 1951, and was admitted to the bar later that year. He began private practice in 1954. He subsequently served as South Glens Falls village justice from 1955 to 1975, South Glens Falls school district attorney from 1960 to 1994, and Moreau town attorney from 1956 to 1994. In those 39 years of service to the community, Mr. Green not only acquired a priceless grasp of local affairs, but conducted himself in a manner that brought credit to his profession.

Mr. Green has been a member of the bar associations of New York State, Warren County, and Saratoga County. He was also a member of the South Glens Falls Rotary Club, the South Glens Falls-Moreau Chamber of Commerce, and the Tee-Bird Country Club.

Mr. Speaker, in my nearly three decades of public life on the local, State, and Federal levels, I have met many fine public servants, but few as fine as Vernon N. Green. I would ask all Members to join me in a tribute to this outstanding attorney and great American.

A TRIBUTE TO A DEDICATED SECURITY OFFICER, DAVID L. ROBERTS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. GILMAN. Mr. Speaker, I rise to salute a seasoned security professional, David L. Roberts, who is retiring from the Department of State this summer after more than 30 years of distinguished service with a number of agencies in the U.S. Government.

Mr. Roberts was born in West Virginia in 1939, graduated from Concord College, and later did graduate studies at the American University here in Washington.

Following 3 years of service in the Marine Corps, he joined the Naval Investigative Service in 1971 as a criminal investigator and served in Vietnam as a civilian investigator from 1966 to 1967. In 1971, he was recruited by the Bureau of Diplomatic Security in the Department of State where his investigative and overseas security experience were invaluable skills in countering the escalating terrorist attacks on Americans and our embassies overseas.

During his distinguished career with the Bureau of Diplomatic Security, he served as the Regional Security Officer in Zaire, as both the Security Officer and the Administrative Officer for SALT in Geneva, and was assigned to the American Embassy in Moscow, one of the most challenging security assignments in the world.

From 1981 to 1984, he became the Associate Director of Security for Africa and the Middle East. Mr. Roberts' superior performance was appropriately recognized when the Department named him Associate Director of Security for Europe.

Beginning in 1987, David Roberts served as the Director of the Anti-Terrorism Assistance Program [ATA], an important office created by the legislative efforts of the House Foreign Affairs Committee. The ATA program helps the United States enhance our worldwide fight against the scourge of terrorism.

Subsequently, Mr. Roberts was called upon to take over the directorship of Diplomatic Security's Protection and Investigations program. He served there until 1991, when he became Division Director of the Construction Security Management program in the Foreign Buildings Office.

In recognition of his many significant accomplishments, Mr. Roberts was one of a select group of seasoned security officers promoted to the Senior Foreign Service where he now holds the rank of Officer Counselor.

Few Americans recognize the demands made on State Department security professionals, as well as their families with regard to the occasional dangers inherent in international travel and their assignments in distant lands. While visiting Beirut in 1984, Mr. Roberts was wounded in the terrorist bombing of the American Embassy. Despite his injuries, he stayed in the building in order to help rescue many employees.

I invite my colleagues to join me in commending David Roberts for his many years of dedicated service to his Nation. We wish him, his wife Cathie, and sons good health and happiness in all of their future endeavors.

27TH FIGHTER WING IS NO. 1

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. RICHARDSON. Mr. Speaker, I urge my colleagues to join me in saluting the outstanding men and women serving at Cannon Air Force Base near Clovis, NM.

The principal Air Force unit at Cannon, the 27th Fighter Wing, won the top prize in the Air Combat Command's annual bombing competition in early May. In addition to winning the Gen. Muir S. Fairchild Trophy given to the best overall team, the 27th Fighter Wing also captured two other trophies. The Cannon team won the Russell E. Dougherty Trophy as the best fighter team and the Koritz-Holland Electronic Countermeasures Award for the best fighter unit in electronic countermeasures.

The 27th Fighter Wing operates the swing-wing F–111 tactical fighter, one of the most sophisticated aircraft in our military inventory. With a history dating back to the 1920's. Cannon is home to 4,500 officers and enlisted personnel and 582 civilians. With family members, over 9,000 persons live on the base.

Capturing the three trophies in May is nothing new for the F–111 crews. They regularly distinguish themselves in annual competitions and in combat, particularly in the Persian Gulf war. I am attaching an article from the Air Force Times for my colleagues' review. I am proud to represent this base and urge my colleagues to salute and continue to support the 27th Fighter Wing and our F–111's.

[From the Air Force Times, June 6, 1994]

THE 27TH IS NO. 1

(By Julie Bird)

WASHINGTON.—The 27th Fighter Wing from Cannon Air Force Base near Clovis, N.M., is the winner of the top prize in Air Combat Command's annual bombing competition.

Units that participated in the May 3 competition, known as Proud Shield, gather annually at Barksdale Air Force Base near Bossier City, La., for score posting and awards. The flying part of the competition takes place at ranges across the country.

The competition formerly was a Strategic Air Command event for heavy bombers. It has been modified under Air Combat Command to include fighter-bombers such as the F–15E "Strike Eagle," which competed for the first time this year.

The Cannon wing, which flies F–111s, took home the Gen. Muir S. Fairchild Trophy given to the best overall team. The award is named after a World War II bomber pilot and former Air Force vice chief of staff.

The Cannon team also won two other trophies: The Russell E. Dougherty Trophy as the best fighter team, and the Koritz-Holland Electronic Countermeasures Award for the best fighter unit in electronic countermeasures.

The Dougherty trophy is named for the former Strategic Air Command commander in chief, who served from 1974 to 1977. The Koritz-Holland award, which was given for the first time, was named in memory of Maj.

Thomas E. Koritz and Lt. Col. Donnie P. Holland, F-15E crewmen killed Jan. 17, 1991, in Operation Desert Storm.

The 7th Wing from Dyess Air Force Base near Abilene, Texas, won the Maj. Wayne D. Whitlock Trophy for having the highest score among B-1B Lancer units in electronic countermeasures. The award is named after a defensive systems operator who died in a 1987 B-1 accident.

The Dyess wing also won the Gen. Ira C. Eaker Memorial Trophy as the best overall B-1 unit. Eaker commanded the 8th Air Force in England during World War II and later was chief of the Air Staff in the Army Air Forces.

The 2nd Bomb Wing from Barksdale won the Maj. James F. Bartsch Memorial Electronic Warfare Award as the B-52 Stratofortress unit with the most points in electronic countermeasures. The trophy honors an electronic warfare officer killed in a B-52 crash in 1977.

The 5th Bomb Wing at Minot Air Force Base in North Dakota won the Gen. Bennie L. Davis Trophy as the most improved unit compared with its performance the previous year. Davis, a Tuskegee Airman, was the first black two-star general in the Air Force and, after winning his third star, was deputy commander in chief of the U.S. Strike Command at MacDill Air Force Base, Tampa, Fla.

The Minot wing also won the John D. Ryan Trophy as the best overall B-52 unit. Ryan was Strategic Air Command commander in chief from 1964 to 1967.

Crew E-60 crew from the 410th Bomb Wing at K.I. Sawyer Air Force Base near Marquette, Mich., won the Curtis E. LeMay Bombing Trophy as the best crew in bombing and timing control. The trophy is named for the former Air Force Strategic Air Command commander in chief and Air Force chief of staff.

Winners of the crew awards were: F-15E—Crew S-02, 4th Wing, Seymour Johnson Air Force Base, Goldsboro, N.C. F-111—Crew C-02, 27th Fighter Wing, Cannon. B-1B—Crew R-26, 7th Wing, Dyess. B-52—Crew E-45, 5th Bomb Wing, Minot.

TRIBUTE TO VILLAGE OF DEPEW, NY

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. QUINN. Mr. Speaker, I rise today to pay tribute to the Village of Depew, NY which is proudly celebrating the 100th anniversary of its incorporation on July 23, 1994.

A weeklong centennial celebration scheduled from July 17 to July 24 is eagerly anticipated by the residents of Depew. They are rightfully proud of the heritage of their village.

In 1892, 2 years before incorporation, ground was broken for the New York Central Railroad shops. Railroads and their related industries were essential to the Nation's economy at this time. Buffalo was the location of huge coal trestles supplying 27 different rail lines—more than 250 trains entered and left the Buffalo area daily.

The area which would become known as Depew proved to be an ideal place for development.

Chauncey Mitchell Depew—a man who made many contributions to the State of New York and who served as Secretary of the State Senate, United States Senator, and the President of the New York Central Railroad—turned the dream of a company town into a reality with the small purchase of land on either side of the railroad. He gave politics up for his first "love"—the railroad.

Depew contracted the premier landscape architect, Frederick Law Olmstead, to develop commercial and residential land. Although Olmstead's original plan for a subdivision was never completed, Depew is proud of the historic southern part of the village which serves as a landmark to his talents.

People of all nationalities came to settle in Depew. Many Depew citizens are honored to be able to count their families as original Depew residents.

The Village of Depew is still a thriving and vibrant place. Chauncey Depew would be pleased that his vision of a community full of opportunity continues to grow.

Mr. Speaker, I think we will realize the importance of communities like the Village of Depew. Furthermore, we should all be grateful for communities like Depew whose great strength is its people and their strong values.

I am very pleased to be able to help Depew celebrate its 100th anniversary and as we look towards all the possibilities of its future.

TRIBUTE TO WINN NEWMAN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most dedicated and thoughtful fighters for social justice whom I have worked with died 2 weeks ago. Winn Newman was a lawyer who showed what the legal profession can be at its best. As a labor lawyer, as a leader in Americans for Democratic Action, and as a citizen, Winn Newman fought hard for the things that he rightly believed would make this a better and fairer society. He was one of the pioneers on the question of pay equity, and did a great deal to help address the intolerable situation of women being compensated far less than man for equal work.

In the July 8 Washington Post, Judy Mann wrote a column which captured the essence of this strong, gentle man. Because Judy Mann did do such a good job of describing a man who ought to be a role model for all lawyers—indeed for all citizens—I ask that her column be printed here.

[From the Washington Post, July 8, 1994]

A GENTLEMAN AND A LAWYER

(By Judy Mann)

There was a moment of tribute at the convention of the American Federation of State, County and Municipal Employees (AFSCME) for Winn Newman, the labor lawyer who died of a stroke June 24. When the moment ended, two groups remained standing.

One was a group of public employees from Washington state; the other from New York. They had received hundreds of millions in pay raises as a result of Newman's landmark "comparable worth" lawsuits. "They remembered deeply what Winn had done for them on pay equity," Al Bilik, president of the Public Employee Department of the AFL-CIO, said at the packed memorial service last week at AFL-CIO headquarters.

The essential ingredient in Newman's bold legal concept was fairness. The Equal Pay Act of 1963 required employers to give men and women "equal pay for equal work," but not for similar work. This was a critical point, for women and men often are segregated by sex in the work force, and the job categories predominantly filled by women invariably pay less than jobs filled by men.

Newman pioneered the argument that comparable jobs should be of comparable worth to the employer, and he did it in litigation, legislative hearings and in collective bargaining. He helped forge the coalition of trade unions, political groups and women's organizations that has been critically important in advancing women's rights in the work force.

The AFSCME pay equity campaign has led to comparable worth standards being adopted by dozens of state and local governments. "The pay equity campaign of AFSCME represents a break in union traditions of acquiescence to inferior pay for women," wrote economist Barbara R. Bergmann in "The Economic Emergence of Women." She credits Newman and the late Ruth Weyand with starting the pay equity campaign in the United States when they were lawyers for the International Brotherhood of Electrical Workers.

"He played an extraordinary and in many aspects a unique role in . . . expanding our concepts as a country about what is fair and just in the treatment of working women," said Marcia Greenberger, of the National Women's Law Center. This, she predicted, is the legacy that will have the most profound impact on women.

"Winn's great genius was to look at the jobs women have traditionally held and enjoyed and excelled at and question why those jobs didn't have greater pay and advancement opportunities.

"In the early '70s, he was one of the pioneers in defining discrimination on the basis of pregnancy as an aspect of illegal sex discrimination. That was a concept that was not only new but in fact very controversial," she said. He and Weyand took a pregnancy discrimination case against General Electric to the U.S. Supreme Court, and when they lost there, he helped lead the campaign in Congress to overturn the Supreme Court decision two years later.

"He really was a revolutionary," said Judith Lichtman, head of the Women's Legal Defense Fund, which spearheaded that drive. "When he started thinking about and talking about and doing something about sex discrimination in employment, there weren't very many people who were.

"He was willing to use creatively the resources of the trade union movement on behalf of its women members and to provide the leadership, as well as his organizing skills and his legal ability. He was a master at using litigation for social change."

Bernice Resnik Sandler, one of the most influential advocates for women in education, was in the standing-room-only crowd at the memorial service. One of her daughters had been fired once because she was pregnant. "That's less likely to happen because of Winn," Sandler said. "He was among the first men who understood that women's issues were important, not just to women but to everybody."

"He was not a religious man," David Davidson, a labor lawyer and former colleague of Newman's, said in his eulogy. "But no religious activist ever had a stronger belief in

the worth and dignity of every human being."

Newman, who was 70 years old when he died, was unassuming, funny, warm and wonderfully patient about explaining fine points of the law to newspaper columnists. Greenberger described him well when she said he had a combination of "good grace and tenacity."

But there was something else that contributed to the great affection and respect in which he was held. He had a quality that is especially prized in times marked by cynicism and demagoguery: It's called integrity. He had it in spades.

THE GSP RENEWAL AND REFORM ACT OF 1994, H.R. 4586—PART I

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. BROWN of California. Mr. Speaker, my distinguished colleague, Congressman JOHN LAFALCE and I recently introduced comprehensive legislation to extend and make badly needed improvements in the most important trade program governing U.S. relations with developing nations on the third world—the Generalized System of Preferences [GSP] Program.

The GSP law was substantially amended in 1984 to increase trade with developing countries and to spread the benefits of trade more broadly within every trading nation in order to stimulate long-term, sustainable development. The goal was to bring GSP implementation more into concert with the fundamental premise of the founding of the GATT in 1948–49.

Specifically, the GATT Preamble states, "Relations among countries in the field of trade and economic endeavor should be conducted with a view to raising standards of living and ensuring full employment." The subsequent generation of knee-jerk free traders seem to have forgotten this underlying purpose of trade liberalization. Trade is not an end in itself, but a mechanism for improving the standard of living for people, most of whom are workers.

The guiding assumption underpinning the GSP Program and reflected in its original legislative history has been that giving developing countries temporary trading preferences through duty-free treatment of many of their exports would encourage long-term, sustainable development, thereby reducing the need for unilateral U.S. aid.

The original GSP Program was quite simple in its operation, but it failed to achieve its primary development objective. The program permitted countries identified as beneficiary developing countries [BDCs] to export to the United States duty-free any products listed as eligible articles. Providing duty-free access to the U.S. market, GSP was expected to increase exports from BDCs and provide an incentive for investors to locate new plants in BDCs, thus creating jobs, stimulating the local economies, and gradually reducing the need for traditional forms of direct development aid. These surface economic goals were partly achieved, but broad-based development was quite limited.

As Congress expressly indicated in the legislative history to the first reauthorization of GSP in 1984, which resulted in amendments to attempt to rectify the failure of the program to achieve the development objectives, the benefits of the program were largely restricted to the "privileged elites" in a handful of newly industrialized developing* countries.[1] There was also increasing evidence that the GSP Program was providing a strong incentive for U.S. employers to relocate to developing countries, where they could take advantage of the absence of fundamental worker rights and substandard labor conditions coupled with duty-free access to U.S. markets.[2]

THE 1984 GSP AMENDMENTS REQUIRED COMPLIANCE WITH WORKER RIGHTS TO BE ELIGIBLE FOR GSP BENEFITS, BUT THE PAST TWO ADMINISTRATIONS DISAGREED WITH THE POLICY AND FAILED IN FUNDAMENTAL WAYS TO ENFORCE THE LAW

Rather than abolish the GSP Program, or simply accept the Reagan administration's recommendation to transform the program in ways to browbeat developing countries about counterfeiting and market access,[3] Congress also tackled the problems associated with the systematic exploitation of workers in BDCs. We wrote into the mandatory and discretionary eligibility criteria for GSP benefits whether a country is "taking steps to afford internationally recognized worker rights to its workers." With the added requirement that BDCs must comply with internationally recognized worker rights, the benefits of GSP could be expected to reach more of the impoverished workers, who would finally be able to bargain for a fair share of the benefits of increased trade. In addition, by improving worker rights in developing countries, U.S. companies would be less likely to make investment decisions based upon the availability of duty-free access to the U.S. market from countries that were able to offer labor made artificially cheap due to the systematic suppression of worker rights.

For reasons that will be discussed in detail, the goals of Congress in passing the 1984 amendments have been largely unrealized due to the failure of the Reagan and Bush administrations to properly implement and enforce the GSP worker rights provisions. The main problem arose because too much discretion was left to the executive branch in determining whether a BDC was in compliance with the worker rights provisions. Accordingly, the Reagan and Bush administrations undermined enforcement of the worker rights provisions. They pursued a policy of promoting trade with the overriding goal of increasing the volume of GSP trade, leaving concerns as to whether the workers benefited to the whims of employers to share their bounty and to a belief in the failed policy of "trickle down" economics. This was the policy approach that Congress sought to change in passing the 1984 amendments—the benefits of increased trade through the original GSP Program had not resulted in any measurable improvement in conditions for workers, so Congress took the step of requiring that specific standards were enforced to release the flow of benefits that had previously been trickling down drop by drop without any broad-based impact.

Disagreement with the goals of the 1984 amendments, coupled with broad enforcement discretion, allowed the Reagan and Bush administrations to substantially negate congressional intent. Enforcement was neglected to such an extreme degree that all of the parties that had ever petitioned in the annual GSP administrative review for stronger enforcement of the GSP worker rights provisions banded together and filed suit against the Bush administration, seeking a judicial order requiring the executive branch to enforce the GSP law consistent with the intent of Congress.[4] The case, International Labor Rights Education and Research Fund et al versus George Bush et al,[5] resulted in a split decision in the Court of Appeals for the District of Columbia Circuit in which the judges expressed differing rationales, but left standing a lower court ruling that the present GSP law leaves broad discretion in the hands of the executive branch and that the Congress would need to amend it in order to achieve its expressed statutory purposes.

If we don't enact amendments now to further clarify congressional intent, the substantial GSP benefits of duty-free access to U.S. markets will continue to be available to countries that systematically deny internationally recognized worker rights. The past decade has shown that the executive branch will continue to be exercised in ways that minimize the impact of the GSP worker rights provisions. This will allow countries that are among the worst offenders of worker rights, and many large U.S.-based multinational corporations operating in such countries, often to take advantage of unprotected labor kept cheap by the suppression of worker rights, to continue receiving billions of dollars in GSP benefits without fulfilling the reciprocal responsibility of allowing workers to share more fully in those benefits. Without improved specific, enforceable provisions requiring that BDCs respect internationally recognized worker rights, the goal of encouraging sustainable, broad-based economic development will not be achieved.

FURTHER AMENDMENTS ARE NEEDED TO REALIZE THE ORIGINAL DEVELOPMENT GOALS OF THE GSP PROGRAM

It is now up to the Congress to take the required steps to restore the original goal of the GSP Program. The 1994 GSP Renewal and Reform Act seeks to more nearly fulfill the intent of Congress in enacting the worker rights provisions a decade ago. By improving BDC compliance with internationally recognized worker rights, this legislation will ensure that BDCs spread the benefits of the GSP program to a broader base of citizens. This will directly encourage sustainable development and will allow workers to finally begin to purchase some of the products they make, increasing global demand.

In addition, improved compliance with worker rights in BDCs will help curb the loss of U.S. jobs by reducing the gap between worker rights and labor costs in the United States and developing countries, thus allowing legitimate comparative advantages to guide investment decisions and discouraging the practice of rewarding countries that are the most willing to deny worker rights and maintain wages that are artificially constrained.

THE GSP ADMINISTRATIVE REVIEW AND ENFORCEMENT PROCESSES MUST BE IMPROVED

A brief history of the evolution of the GSP administrative review and enforcement processes are necessary to understand why changes are needed.

*Footnotes to appear at end of article.

*See footnotes at end of article.

Shortly after the 1984 GSP amendments were enacted, the GSP Subcommittee (the GSP Comm.) within the Office of the U.S. Trade Representative (USTR), which is comprised of representatives from USTR and the Departments of Agriculture, Interior, Labor, State and Treasury, drafted and implemented new regulations to establish new procedures under which an "interested party" may petition the GSP Committee to review whether a country is in compliance with the worker rights provisions and other eligibility criteria that apply to designation of BDCs or eligible articles under the GSP program. This was in furtherance of Congress' expressed intent to allow "parties interested in the implementation and protection of * * * workers rights" to participate fully in the review process to the same extent as "parties having a significant economic interest."

The current administrative review process thus requires an interested party to file a petition with the USTR that documents alleged violations of internationally recognized worker rights within a GSP beneficiary country. The GST Committee then makes a determination as to whether to summarily deny the petition or whether to accept it for investigation and public hearing.

FOOTNOTES

[1]H.R. Rep. No. 98-1090, 98th Cong., 2d Sess. 11, reprinted in, Committee Report at 5111.

[2]Id at 5111-12; 130 Cong. Rec. at 977-79.

[3]The Reagan administration proposed a ten-year extension of GSP with no substantial change except provisions for greater access to foreign markets. 130 Cong. Rec. at E 977. Congressman Pease, the sponsor of the 1984 amendment bill, stated in reference to the bill proposed by the Reagan administration, "[a]s is customary with the Reagan administration's trade policy, there is nothing in the President's bill that recognizes the impact of a program like GSP upon American workers . . ." 130 Cong. Rec. at E978.

[4]There were a total of 23 parties who joined together to challenge the failure of the Bush administration to enforce the worker rights provision consistent with the intent of Congress: The International Labor Rights Education and Research Fund; The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO); International Union of Electronic, Electrical, Salaried, Machine, and Furniture Workers; International Union, United Automobile, Aerospace and Agricultural Implement Workers of America; American Federation of State, County and Municipal Workers; United Steelworkers of America; International Longshoremen's and Warehousemen's Union; International Ladies Garment Workers Union; Amalgamated Clothing and Textile Workers Union; Communications Workers of America; International Association of Machinists and Aerospace Workers; United Electrical Workers; Human Rights Watch; North American Coalition for Human Rights in Korea; Lawyers Committee for Human Rights; Council on Hemispheric Affairs; Institute for Policy Studies; Indochina Resource Center, Inc. d/b/a/ Asia Resource Center; Washington Office on Haiti; Massachusetts Labor Committee in Support of Democracy, Human Rights and Non Intervention in Central America; American-Arab Anti-Discrimination Committee; Columbian Fathers Justice and Peace Office, and Bread for the World.

[5]752 F. Supp. 495 (D. D.C. 1990), aff'd by a divided opinion, 954 F. 2d 745 (D.C. Cir 1992).

INTRODUCTION OF THE INSPECTOR GENERAL REFORM ACT OF 1994 AND THE WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 1994

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. SPRATT. Mr. Speaker, on June 29, 1994, I introduced two bills, H.R. 4679, the Inspector General Reform Act of 1994, and H.R. 4680, the Whistleblower Protection Enhancement Act of 1994. The first bill would increase the independence and strengthen the operations of the officers of inspectors general [OIGs]. The second bill would increase protections for whistleblowers providing information to the Congress and the IGs. These two bills are designed to achieve two goals, improve the IGs' effectiveness and increase protection of whistleblowers providing information to the Congress and the IGs.

Before describing the major provisions, I would like to preface my remarks by expressing the hope that these bills will serve as a starting point and catalyst to stimulate discussion and help frame the debate in the Congress and the administration. I want to make clear at the outset that, while there is an evidentiary basis for the proposals in my legislation, I am open to other proposals, as well. I recognize that these bills may be controversial. Some may think that these two bills go too far, and others may think that they do not go far enough in reforming the present system. I very much look forward to receiving comments, both positive and negative, about these two measures. I plan to work closely with my colleagues in Congress, the IG community, the GAO, the administration, and all other interested parties in fashioning legislation which will pass the Congress and become law.

While hearings have not yet been held, the staff of the Commerce, Consumer, and Monetary Affairs Subcommittee of the Committee on Government Operations has extensively researched these issues, consulted with experts, and reviewed the literature. First, it has surveyed the Congressional Research Service, the General Accounting Office, and congressional committee staff. Second, it has reviewed legislative history and congressional oversight hearings and reports on the implementation of the IG Act, including oversight by the Committee on Government Operations. Third, it has reviewed other written literature, including articles, a recent scholarly book,[1] and work by the Administrative Conference of the United States.[2] We also reviewed the 1993 National Performance Review's recommendations pertaining to the IGs. The subcommittee staff has also relied on its oversight experience in monitoring the work of OIG offices over the years.

INSPECTOR GENERAL REFORM ACT OF 1994

The IG reform legislation would: Expand the IG's mission to include program evaluations and inspection assessments, focussing on those programs especially vulnerable to waste or fraud (consistent with the recommendations of the Vice President's National Performance Review); provide for greater independence for and better selection of IGs, by establishing 5-year terms, a conflict of interest provisions applicable to IG personnel, grounds for removal of IGs, specific IG authority to obtain space and hire legal counsel free from agency control, and removal of the IGs from both direct and indirect control of agency staff; improve protection for whistleblowers cooperating with the IGs; increase the dissemination of IG reports to the public and the amount of information in them, while reducing the semi-annual reporting requirement to an annual one; increase the effectiveness of IG criminal investigations, by requiring (1) earlier consultation and coordination between the IGs and Justice Department (DOJ) prosecutors in criminal cases, and (2) an expedited procedure for DOJ consideration of IG requests for grants of law enforcement authority to IG agents; direct IGs to monitor personnel actions taken by agency management in response to IG findings of serious misconduct and provide an opportunity for review by agency heads; and expand the investigative and oversight powers of the DOJ IG to cover the entire Justice Department, including all law enforcement and prosecutorial personnel, who are now exempt from such scrutiny.

As repeatedly evidenced during congressional hearings and in the literature, there are forces which can and sometimes do curtail the independence of the 53 OIGs. The current IG statute is internally inconsistent on the issue of IG independence. On the one hand, current law grants some independence to the larger agency IGs through its presidential appointment and its prohibitions on agency attempts to prevent or prohibit OIG audits and investigations. On the other hand, it makes the IG an inherent part of each agency. For example, the IG one, is supervised by the head of each agency who can set priorities and eventually discourage certain IG investigative or activity; Two, is dependent on office supplies, space, and often legal counsel from the agency; and three, must obtain the agency's approval for the IG's budget submission to OMB. Moreover, the heads of the smaller agencies select and often more closely supervise their own IG's, making those IG's potentially even less independent. Also, some IG personnel have previously worked for other units in the agency they now oversee, which can create a conflict of interest. In addition, although the IG's for larger agencies are appointed by the President, in truth, they are often selected by the heads of those agencies which they are supposed to police.

In a 1988 report, the Government Operations Committee discussed several instances of interference.[3] In some agencies, the IG's role may be viewed as seeing, speaking, and hearing as little evil, as possible. Consequently, many knowledgeable observers and some former IG officials have supported increased independence and protection from agency interference. Some suggestions have included one, a term of years for the IG's—the bill sets 5 years—and two, restrictions on the President's power to remove IG's, not for partisan or policy reasons but only for good cause, such as inefficiency or neglect of duty, which this legislation would do.

*See footnotes at end of article.

I believe that it is possible for IG's to work with agency heads in close consultation on a regular basis to improve agency performance without losing their independence, provided that certain protections are written into the statute. That is what my proposed legislation seeks to open up for debate and for consideration during Government Operations Committee hearings, tentatively planned for sometime this year.

WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 1994

This bill would provide a remedy for those Executive branch employees who provide information to the Congress and are thereafter punished, in violation of 5 U.S.C. 7211[4]. Under this bill any agency interference with or denial of an employee's right to provide certain information to Congress would constitute a prohibited personnel practice under the Whistleblower Protection Act of 1989, which would enable employees to seek the help of the Office of Special Counsel and to appeal to the Merits Systems Protection Board. The bill would confer protection for those employees who reasonably believe that the information they are furnishing to the Congress evidences a violation of law or regulation or gross mismanagement or waste of funds. Congress does have a special obligation to protect those whistleblowers who risk their careers when providing the Congress with such information.

The bill would also confer additional protection on those employees providing information to the IG's. Many employees reporting allegations of mismanagement or misconduct have complained that IG's do not keep their names confidential from their managers, in violation of the spirit, if not the letter, of the IG statute, and that such revelations cause agency reprisals against them. This can negatively impact the reporting of important information to IG personnel and leaves employees with the impression that OIG's cannot be trusted to protect their sources. This practice seems to be a widespread one throughout the Government. As reported in the Washington Post in the spring of 1993, Vice President GORE had a meeting with Federal employees at one agency who accused their IG of routinely disclosing their identities and being too close to the department. The legislation would absolutely prohibit OIG identification of such employees, with an exception for Federal prosecutors needing such information during a criminal investigation.

OIG's do not routinely investigate retaliation against cooperating employees or even advise whistleblowers of their rights under both the Whistleblower Protection Act of 1989 and the Civil Service Reform Act of 1978. By not advising employees of their rights under these two statutes, the OIG's often leave the employees in the dark. Therefore, the bill would require OIG staff to disclose those rights and would improve the protection of those employees reporting information to the IG's. As a result, it would help ensure the continued flow of such information.

In sum, the current remedies to protect whistleblowers are inadequate. If Congress wants to encourage whistleblowers to come forward in order, it must confer greater protection on those whistleblowers.

FOOTNOTES

[1] "Monitoring Government: Inspectors General and the Search for Accountability," Paul C. Light, the Brookings Institution and the Governance Institute, Washington, DC, 1993.

[2] Transcript of a March 3, 1993, Meeting, entitled, "Inspectors General: An Institution in Need of Reform", Office of the Chairman, Administrative Conference of the United States.

[3] This included an investigation seriously mishandled by the Interior Department's IG because of pressure from the Secretary. See House Report 100-1027, "The Inspector General Act of 1978: A 10-Year Review", 61st Report by the Committee on Government Operations, House of Representatives, October 3, 1988.

[4] That provision states: "The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied."

INTRODUCTION OF DERIVATIVES DEALERS ACT OF 1994

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 1994

Mr. MARKEY. Mr. Speaker, today I am joining with the gentleman from Oklahoma [Mr. SYNAR] in introducing the Derivatives Dealers Act of 1994. This legislation is aimed at providing a framework for improved supervision and regulation of previously unregulated derivatives dealers and assuring appropriate protections for their customers.

Derivatives are financial products whose value is dependent on—or derived from—the value of some underlying financial asset such as a stock, bond, foreign currency, commodity, or an index representing the values of such assets. Some derivatives have been around for many years, such as the exchange-traded futures and options used by investors and dealers seeking to hedge positions taken in the stock and bond markets, or to speculate on future market movements.

Within the last few years, however, such exchange-traded futures and options have been supplemented by a vast and dizzying array of over-the-counter [OTC] derivatives. These include forwards, swaps, options, swaptions, caps, flowers, and collars that may be linked to the performance of the Japanese stock market, the dollar-deutsche mark exchange rate, the S&P 500, or virtually any other asset. Today, the total outstanding value of the principal underlying such over-the-derivatives is estimated to be over $12 trillion.

The dynamic growth of the OTC derivatives market is the direct result of developments in computer and telecommunications technology and breakthrough in modern portfolio management theory that have created a new world of cyber-finance that is reshaping U.S. and global financial markets. These new financial instruments are an important component of modern financial activity and provide useful risk management tools for corporations, financial institutions, and governments around the world seeking to respond to fluctuations in interest rates, foreign currency exchange rates, commodity prices, and movements in stock or other financial markets.

While OTC derivatives are frequently used to hedge foreign currency or interest rate risks or to lower borrowing costs, there has been a proliferation of increasingly exotic, customized financial contracts or instruments that enable dealers and end-users to make speculative synthetic side bets on global financial markets. This development has raised concerns over the potential for OTC derivatives to increase, rather than reduce risk of financial loss or contribute to a future financial panic. In addition, the concentration of market-making functions in a small number of large banks and securities firms, the close financial inter-linkages OTC derivatives have created between each of these firms, and the sheer complexity of the products being traded raise serious concerns about the potential for derivatives to contribute to serious disruptions in the fabric of our financial system.

I believe that the public interest demands that regulators have adequate tools on hand to minimize the potential for OTC derivatives to contribute to a major disruption in the financial markets, either through excessive speculation and overleveraging, or due to inadequate internal controls and risk management on the part of major derivatives dealers or end-users. I also believe that our financial regulatory structure must assure that there are appropriate customer protections in place in the form of full disclosure, accurate financial accounting, appropriate sales practices, and restrictions against fraudulent or manipulative activity.

In light of the explosive growth of and the public policy issues raised by OTC financial derivatives, the Subcommittee on Telecommunications and Finance, which I chair, wrote to the General Accounting Office [GAO] in June 1992 to request a comprehensive study of the derivatives market. At that time, the subcommittee noted that the trading of new and complex derivative products by financial institutions and their customers had greatly increased in recent years, creating a corresponding need to assure that knowledge of how to manage and oversee the risks associated with these products was keeping pace. The subcommittee asked the GAO to examine the nature and extent of the use of derivative products and determine how well the dealers and end-users of these products handled the related risks. In addition, the subcommittee asked the GAO to examine how well Federal regulators protect the Federal interest and to identify any regulatory inconsistencies or gaps in regulation that might result in harm to the financial system.

The GAO derivatives study submitted on May 19, 1994 response to the subcommittee's request has identified some serious gaps in the current legal and regulatory structure relating to OTC derivatives.

First, the GAO made a series of recommendations aimed at improving Federal supervision of bank dealers in OTC derivatives. These include developing consistent capital standards, requiring independent and knowledgeable audit committees, performing comprehensive annual examinations, and requiring bank dealers to provide better information on counterparty concentrations and the amount and type of their derivatives holdings. The GAO found that the bank regulators already have considerable legal authority to undertake such regulatory reforms.

Second, the GAO recommended that the SEC use its existing legislative authorities to improve disclosure and accounting treatment of derivatives. The GAO recommended that the SEC take steps to ensure that major end-users of derivatives improve their internal controls and risk management systems. The GAO also recommended that the SEC, both directly through its review of disclosure documents filed by public companies and in its capacity in overseeing accounting standards set by the Financial Accounting Standards Board [FASB], ensure that investors receive full and accurate disclosures regarding the derivatives activities of corporations, mutual funds, and other major institutional end-users of derivative financial products. The SEC has broad authority under existing law to mandate such changes.

Finally, the GAO identified serious gaps in the current legal and regulatory framework that allows derivatives dealers affiliated with securities firms or insurance companies to largely escape the type of regulations which are already in place for derivatives dealers affiliated with banks. GAO's testimony before the subcommittee also identified potential gaps in antifraud and antimanipulation enforcement authority, and sales practice regulation. In response, the GAO recommended that this black hole be plugged by granting a Federal regulator, such as the Securities and Exchange Commission, appropriate authority to conduct examinations and set capital standards for these currently unregulated dealers.

The subcommittee has closely examined the derivatives markets and the findings and recommendations of the GAO study in oversight hearings held on May 10, 19, 25, and July 7th of this year. We have heard testimony from the GAO, from current and former financial regulators, from derivatives dealers and other experts. Based on the information gathered in the course of these hearings, and other inquiries undertaken by the subcommittee, I have crafted a piece of legislation which would close the most glaring legal gap affecting the derivatives markets—the presence of virtually unregulated OTC derivatives dealers in the market.

The Derivatives Dealers Act of 1994 that Mr. SYNAR and I are introducing today represents a three-tiered approach to derivatives regulation.

First, the bill would define "derivative" to include any financial contract or other instrument that derives its value from the value or performance of any security, currency exchange rate, or interest rate, or group of index thereof. It should be noted with respect to instruments based on currency exchange rates, that the definition would exclude the most common type of derivative instrument—forward rate contracts—but would include foreign currency swaps that have a duration greater than 270 days. Securities traded on an exchange or on the NASDAQ, futures or options on futures, and bank or savings institution deposits also would be excluded.

Second, the definition of "security" in section 3(a)(10) of the Securities Exchange Act of 1934 [Exchange Act] would be amended to include derivatives based on the value of any security. While options on securities already are included within this definition, the amendment would bring equity swaps under the definition of "security" and subject transactions in equity swaps to regulation under the Exchange Act.

Third, persons defined as "derivatives dealers" would become subject to Securities and Exchange Commission [Commission] regulation. Derivatives dealers that are not first, registered broker-dealers or second, material associated persons of registered broker-dealers that have filed notice with the Commission, see discussion below, would be required to register with the Commission and would be subject to Commission rulemaking and enforcement authority. Commission rulemaking would focus on financial responsibility and related recordkeeping and reporting requirements, as well as on the prevention of fraud. Such dealers also would be required to become members of an existing registered securities association, or any registered securities association that may be established for derivatives dealers. Rules adopted by a registered securities association would focus on the prevention of sales practice abuses and the establishment of internal controls.

Derivatives dealers that are material associated persons of registered broker-dealers would be required, as a general matter, to file a form of notice with the Commission. Alternatively, such dealers would be permitted to register, as discussed above. Dealers that file notice would be regulated indirectly through their broker-dealer affiliate. The risk assessment provisions already in place under the Exchange Act, which would be amended by this bill, would be utilized for this purpose. In addition, the broker-dealer's net capital would be based, in part, on the derivatives activities of its affiliated derivatives dealer. The designated examining authority for the broker-dealer would have rulemaking and enforcement authority with respect to the derivatives activities of both the broker-dealer and the affiliate. The Commission also would be authorized to adopt rules designed to prevent fraud.

This bill will close the regulatory black hole that has allowed derivatives dealers affiliated with securities or insurance firms to escape virtually any regulatory scrutiny. It will give the SEC the tools needed to monitor the activities of these firms, assess their impact on the financial markets, and assure appropriate protections are provided to their customers against any fraudulent or abusive activities. It is not a radical restructuring of the derivatives market; it is focused laser-like on the real gaps that exist in the current regulatory framework that need to be closed, and closed now.

In addition to this legislative reform package, the subcommittee has been strongly urging the bank regulators and the Commission to make full use of the authorities they have under existing law to enhance their oversight over the derivatives market and to assure protections are afforded to end-users of derivatives and to their shareholders. As the GAO's report indicated, the bank regulators already have considerable authority to take action with respect to the activities of bank derivatives dealers, and I believe that the bank regulators should continue to make use of these authorities to improve their supervision of the derivatives activities of banks.

The GAO report also indicated that the SEC has considerable authority under existing law to enhance derivatives-related disclosures made by public companies, to regulate the use of derivatives by investment companies, and to assure the adequacy of the derivatives accounting standards established by the Financial Accounting Standards Board [FASB]. The subcommittee expects the Commission to follow through on the commitments made by Chairman Levitt during the subcommittee's May 25, 1994 hearing to take a strong leadership role in assuring that significant improvements are made in each of these critical areas.

In this regard, the subcommittee has recently contacted the SEC to requesting information regarding the Commission's ongoing activities and authorities, and to clarify the need for any additional legislative reforms. On June 15, 1994, I joined with Representative FIELDS to request certain information regarding the participation of mutual funds in the derivatives markets. On June 23, 1994, I joined with Representatives SYNAR and WYDEN to request information regarding GAO's recommendations for enhancements in the role of audit committees in reviewing and approving the activities of OTC derivatives dealers and major end-users and the establishment of requirements for internal controls reporting with respect to derivatives. In addition, on May 23, 1994 Chairman DINGELL sent letters to the SEC, the Treasury Department, and the Securities Industry Association requesting their comments on the findings and recommendations of the GAO report. Responses to each of these inquiries are expected to be received shortly.

Based on the nature of the information received from the Commission and other respondents in response to these and other inquiries and investigations, the subcommittee will need to carefully consider the need for further legislative reforms to the bill I am introducing today as it moves through the legislative process. I look forward to working with my colleagues on the subcommittee and with all other interested parties as the subcommittee undertakes this effort to improve regulation of the markets for financial derivatives.

Again, I urge my colleagues to cosponsor and support this important legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 14, 1994, may be found in the Daily Digest of today's RECORD.

SETINGS SCHEDULED

JULY 15

9:00 a.m.
Foreign Relations
To hold hearings on the nominations of Phyliss E. Oakley, of Louisiana, to be an Assistant Secretary of State for Population, Refugees and Migration, and Richard L. Greene, of Maryland, to be Chief Financial Officer, Department of State.
SD-419

Joint Economic
To hold hearings to examine the recent economic developments in the former Soviet Union and the countries of Eastern and Central Europe.
SD-628

9:30 a.m.
Environment and Public Works
To hold hearings on the designation of the National Highway System.
SD-406

JULY 19

9:00 a.m.
Environment and Public Works
Clean Water, Fisheries and Wildlife Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Endangered Species Act, focusing on conservation on private lands.
SD-406

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 2151, to direct the Secretary of the Interior to convey certain lands in the State of California.
SD-366

10:00 a.m.
Finance
Business meeting, to mark up proposed legislation to implement the Uruguay Round of Multilateral Trade Negotiations.
SD-215

Foreign Relations
To hold hearings to examine the humanitarian crisis in the Horn of Africa.
SD-419

Labor and Human Resources
To hold hearings on S. 2238, to prohibit employment discrimination on the basis of sexual orientation.
SD-430

2:00 p.m.
Indian Affairs
To hold hearings on S. 2230, to revise the Indian Gaming Regulatory Act.
SD-G50

2:30 p.m.
Labor and Human Resources
To hold hearings on S. 1702, to amend the Federal Food, Drug, and Cosmetic Act to ensure that human tissue intended for transplantation is safe and effective.
SD-430

JULY 20

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
Federal Services, Post Office, and Civil Service Subcommittee
To hold hearings to examine the Federal role in child support enforcement.
SD-342

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to review the Federal Reserve's semi-annual monetary policy report.
SD-538

Environment and Public Works
To hold hearings on proposals to reform current policies on floodplain management and flood control.
SD-406

JULY 21

9:30 a.m.
Environment and Public Works
Toxic Substances, Research and Development Subcommittee
To hold hearings on S. 1545, to authorize funds for fiscal years 1994 through 1996 for environmental research, development, and demonstration.
SD-406

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on issues relating to international fisheries.
SR-253

JULY 22

10:00 a.m.
Foreign Relations
To hold hearings on the nomination of Robert A. Pastor, of Georgia, to be Ambassador to the Republic of Panama.
SD-419

JULY 25

2:00 p.m.
Indian Affairs
To resume hearings on S. 2230, to revise the Indian Gaming Regulatory Act.
SD-106

JULY 26

2:30 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research, Conservation, Forestry and General Legislation Subcommittee
To hold hearings on the Administration's proposed legislation relating to meat and poultry inspection.
SR-332

JULY 27

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 2253, to modify the Mountain Park Project in Oklahoma, S. 2262, to amend the Elwha River Ecosystem and Fisheries Restoration Act, and S. 2266, to amend the Recreation Management Act of 1992.
SD-366

JULY 28

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 2121, to promote entrepreneurial management of the National Park Service.
SD-366

Rules and Administration
To hold hearings on S. Res. 230, to designate and assign two permanent Senate offices to each State.
SR-301